

Application Site Address	Land To The North Of Totnes Road, Collaton St Mary, Paignton
Proposal	Reserved Matters relating to Outline Application P/2019/0604. Matters for approval: Details of appearance, landscaping, layout, and scale, as stated in Appeal Condition 01 (revised documents received 24 October 2022).
Application Number	P/2021/1180
Applicant	Taylor Wimpey
Agent	Copperfield
Date Application Valid	03.03.2022
Decision Due Date	02.06.2022
Extension of Time Date	19.12.2022
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 resolution of detailed design elements of the surface water drainage system, to the satisfaction of the Councils Drainage Department (Lead Local Flood Authority), to be delegated to the Divisional Director of Planning, Housing and Climate Emergency.</p> <p>The receipt of satisfactory detail clarifying the conclusions made within the submitted ecology report regarding cirl bunting and dormice, to the satisfaction of the Divisional Director of Planning, Housing and Climate Emergency, in consultation with Devon County Council Ecologist.</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



Site Details

The application site is part (approximately half) of a triangular field adjacent to the Totnes Road (A385) close to Collaton St Mary on the western outskirts of Paignton. The site has historically been known locally as the “Car Boot Field”. The eastern half of the field which the application relates to is the lower half, where the land drops from west to east. The field measures approximately 7.2 hectares in area and the application site is 4.5 hectares.

The northern and eastern boundaries of the site are clearly defined by existing hedges. The southern boundary that runs along the edge of the Totnes Road is a mixture of rural estate railings, scrub hedging and intermittent trees adjacent to a linear grass verge, which permits public views across the field to the rising rural landscape to the north and east. The western boundary of the application site dissects the open field.

There is currently no vehicular access to the application site as the sole access point to the wider field is to the west within the upper part of the wider field. There is a pavement along the southern side of the Totnes Road however the northern side, along the site boundary, is a grass verge with no pavement.

On the opposite side of Totnes Road there is existing residential development in a predominantly linear ribbon form. These dwellings are generally set back from the road and the street form is broken up by large trees and landscaping, to the extent that the run of properties does not overtly read in close or distant views as an urban edge. To the west of the site there is a camping and caravan park. To the north and east there is open countryside land.

There are a number of heritage assets nearby. To the east off Bladgon Road there is the Grade 2* listed Church of St Mary, and Grade 2 Old School House and Old Vicarage. Again to the east on the south side of Totnes Road close to the junction of Bladgon Road there are a further four Grade 2 listed properties, 391-397 Totnes Road. 300 metres to the west of the site is another Grade 2* listed building, the 15th Century Bladgon Manor.

In the Torbay Local Plan the site is identified as part of the wider Collaton St Mary (Paignton North and West Area) Future Growth Area. It is also a site identified for housing within the Collaton St Mary Masterplan, which is an Adopted Supplementary Planning Document for the area (adopted February 2016). In terms of other relevant context the valley floor to the north/east of the site (close to the Blagdon Road) is a linear area with an identified risk of flooding.

Description of Development

This is a reserved matters application that is seeking approval for the layout, scale, appearance and landscaping for 73 dwellings following the grant of outline consent under application reference P/2019/0604 for up to 73 dwellings. The outline consent granted detailed access with the creation of a single vehicular access off the Totnes Road (A385) with proposed highway works to re-align the Paignton-bound carriageway to facilitate a designated right hand turn lane into the site.

In accordance with the outline consent the proposal is for 73 dwellings offered in a general layout and form that accords with the indicative plans submitted and considered at outline stage. The proposal includes the provision of 22 affordable units in accordance with the outline consent.

In terms of layout the proposal respects the indicative layout presented at outline stage with the approved single access passing past open space in the eastern corner of the site, that features an attenuation pond feature/habitat and informal public orchard, before splitting to create a simple looped form of development fronted by dwellings. As with the outline layout there is an equipped play area in the southwest corner of the site near to the Totnes Road, which is the high point of the site.

In terms of built form the buildings are all two-storey with pitched roofs, although there are 4 dwellings that are described as 2.5 storey with accommodation within the roof. There are 4 apartments within the development where there is a vertical subdivision of the building. There is a mix of detached, semi-detached and short terraces through the scheme. Open market housing presents a mix of mostly 3 and 4 bed units but there are 6 5-bed units. The Affordable Housing units are a mix of 1-4 bed units.

Materials are varied through the scheme with a mix of rough render, stone, red brick, and grey concrete hanging tiles, under grey concrete roof tiles. Stone is detailed on the principal elevations of buildings clustered around a landscaped space in the northwest corner of the site.

All dwellings are supported by parking which is a mix of driveway, garages, courtyard and off-street facilities. There are also 3 street parking spaces near to the entrance.

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
- Collaton St Mary Masterplan
- 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

Applications

P/2020/0405: Outline application for up to 73 dwellings (including market and affordable housing) with all matters reserved, except access arrangements to be provided directly onto Totnes Road via access junction. Approved.

P/2019/0604: Outline application for up to 73 dwellings with all matters reserved except access, new access onto the Totnes Road. Refused on grounds of flood risk. Appeal Upheld.

P/2017/1304: Full application for 94 (reduced from 97) dwellings, with access, landscaping and infrastructure. Officer Recommendation: Refusal, for reasons of design, amenity, landscape impact, impact upon heritage assets, highway safety, and flood risk. Application withdrawn prior to committee and not considered by Members.

P/2013/0572: Outline application for proposed residential development (up to 175 units) and associated development including provision of open space, landscaping, ponds and other associated development. All matters reserved for further consideration except access. This is a departure from the Local Plan. Refused. Appeal Withdrawn.

P/2012/1037: Full application for development to include 197 residential units, a local centre building (ground floor only) comprising Use Class A1 floor space of 460sqm new vehicular access to Totnes Road, internal road layout, car parking, open space, landscaping, ponds, services and infrastructure and all other associated development. Refused.

Related Design Review Panels

March 2016 DRP (Pre-application DE/2015/0454):

Summary of key points:

There appears to be a gap between the analysis of the site and the vision projected for the development - the essential proposition needs to be rural rather than suburban.

The layout needs to be influenced and informed by a 'place-making' approach, rather than one led by the road layout. Roads need to become streets, parking needs sensitive handling and landscape design needs to reinforce the character of the development. If the form of the streets become less regular then their character becomes more rural and opportunities are created along them for parking, etc.

Once a more successful layout has been developed then clear parameter plans ought to be prepared and adopted through a condition in the planning permission which capture the

essential strategies of the layout and ensure that there is no slippage between an outline consent and any reserved matters submissions.

The way in which the layout and individual house types respond to the slope should be assured and effortless - it ought to be an ambition of the development to achieve the least amount of earth-moving and levelling of the site in order to make a viable development.

The site continues to be in a sensitive location and accurate landscape and visual impact assessments should be used to test the revised ideas before submission.

The connections from this new community to the other parts of Collaton St Mary need to be more confidently attempted - in order that active modes of travel (walking and cycling) are firmly promoted.

See great potential in this residential development and believe that it could be a highly desirable and therefore high-value opportunity - providing that the design ambition captures all the opportunities of this potentially beautiful site.

September 2012 DRP (Application P/2012/1037):

Summary of key points:

The design does not make a good case for a major incursion into this relatively unspoilt valley setting.

Perceive the proposals to be a fairly standard suburban character is being imposed on a landscape setting which is essentially rural.

The architectural design is undistinguished.

The landscape strategy needs to integrate more successfully and could be used to sub-divide and reduce the scale.

Anticipate that the quantum of development would need to be reduced dramatically.

Summary of Representations

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

Reasons for objection relevant to this Reserved Matters application for layout, scale, appearance and landscaping:

- The style and layout of the dwellings proposed for this development must be of a build and aesthetic quality such as to be in keeping with the village of Collaton St Mary.
- The fullest attention must be given to the landscaping and greening and greenspaces of this proposed development so as not to detract from the village's rural appeal and surroundings.
- Surface water capacity
- Ecological mitigation unsatisfactory
- Impact on listed buildings should be duly considered
- Street lighting should be limited

Reasons for objection not relevant to this Reserved Matters application for layout, scale, appearance and landscaping:

- Loss of countryside and wildlife.
- Access
- Strain on our doctors, dentist, and schools.
- Traffic, Roads, parking in the road already a problem, access in and out (school times) an accident waiting to happen.
- More strain on our hospitals.
- Already problems with drainage of water.
- Sewage pipes have caused problems in the past.
- Roads & junctions already highly congested.
- Village school already fully allocated.
- An increase of vehicular traffic would exacerbate the symptoms of breathing sufferer
- Impact on emergency vehicles moving in the area
- Sewage capacity
- Too many houses
- Impact on school capacity
- Unaffordable for locals

Summary of Consultation Responses

Paignton Neighbourhood Forum

No comments.

South Hams AONB Office

No objection.

Torbay Council Housing Strategy and Enabling Officer

The Unilateral Undertaking states the applicant will provide 30% onsite affordable housing on 1/3, 1/3, 1/3 split in line with Policy H2.

The applicants have provided 7 social rent, 7 affordable rent and 8 shared ownership within the submitted Affordable Housing Plan, which is just above 30% of all units.

There is commitment within the UU for 5% of the affordable units (ie 1 unit) to be provided as an Adapted Dwelling, in compliance with Policy H6. The application does not appear to mention adapted units within the Planning Statement or Design Statement and, although the house type designs are provided as part of the submission, clarity on which units will be delivered to adapted standards as per Annex X of the UU would be welcome.

I would suggest this is a good Affordable Housing scheme. The affordable housing dwellings are spread across 4 clusters on the site. There is a good range of house types, including up to 2 x 4 beds.

Aside from a few points of clarity on wheelchair units, I don't see any grounds for objection from an affordable housing or policy perspective.

Ecology Advisor (Devon County Council)

The majority of previous queries have been dealt with. Clarification from the consultant ecologist with regards to dormice and Cirl Buntings, which were not recorded at the time of the outline application, is still needed.

Ecological walkover surveys undertaken by EAD Ecology in May 2019 state that the site remained unchanged from 2016. It was very unlikely that cirl buntings and dormice had moved onto the site at the time of the outline application in 2019, and therefore updated surveys for these species were not required for the determination of the outline application. However,

given these surveys are now 6 years in age, there is a possibility that they have moved onto the site by the time this reserved matters application was submitted in 2022.

(Officer comment: Clarification has been sought and received from the applicant's consultant on the outstanding matter regarding assumptions made on cirl bunting and dormice given the date of previous surveys. The response is currently being considered by the Devon County Ecologist).

Natural England

No Objection.

Green Infrastructure Manager (Swisco)

Further review of the landscape proposals indicates that most of the points have been addressed.

One key feature was the substitution of the Beech trees that have now been annotated as London plane. I would suggest that, given the rural setting of the site, English oak are a more suitable species and would also potentially positively impact the BNG of the site for the future. This has now been addressed through revisions submitted 21.11.2022.

The overall appearance of the and impact of the landscape scheme reflects the character of the landscape and provides for the immediate, local and wide landscape in the area.

The comments provided by CSA environmental address the concerns raised and there is scope going forward to iron out minor detail as it arises. In particular the movement of plants, which out of our control, and instructed through DEFRA to control/contain the spread of plant pathogens.

Waste and Recycling Officer (Swisco)

Would clarify that SWISCo will not drive on to unadopted highway to collect waste and recycling, unless an indemnity is in place. I could not determine whether there are plans for the roads to be adopted from the application.

In addition I have looked at the S38 plan and the waste management plan and have the following additional comments regarding individual plots;

- Plots 17, 18, 72 & 73 - Waste Management plan shows vehicle driving on to an area of what is proposed to be unadopted highway. Residents would need to bring the recycling and waste up the driveway to the adopted highway for collection.
- Plots 19, 20 and 21 the collection teams would not collect from the marked locations in the driveways, residents would need to bring recycling and waste to the adopted highway for collection.
- Plots 53, 54, 55 and 56 – the collection teams would not walk up the footpath to collect recycling and waste, instead on collection day residents will need to bring their containers so that they are accessible from a piece of adopted highway that our collection vehicles can drive on to.

It is also worth noting the recent changes to recycling and waste collection in Torbay which now includes a blue bag for paper recycling and the option to subscribe to a fortnightly garden waste collection, which uses a 240 litre wheeled bin. The bin stores where used will need to be big enough to house 2 x 55 litre recycling boxes; 1 x bag for paper; 1 x 23 litre food waste bin and 1 x 240 litre wheeled bin for refuse. If properties have a garden they should have enough space to store an additional 240 litre wheeled bin for garden waste.

I'd also like to request waste management contributions for this development, in line with the table below. I note that properties will be provided with individual recycling and waste containers, so the higher rate would not apply to this development.

Drainage Engineer (Torbay Development Agency):

1. The proposed discharge rate to the watercourse is 7.4l/sec which complies with the requirements of the Torbay Critical Drainage Area.
2. Within the support documentation the developer has included drawings showing the proposed drainage layout together with the hydraulic drainage design.
3. The developer has submitted drawing number 0120 Revision P2 which is identified as an impermeable area plan. This plan identifies the impermeable areas for each property, driveway and roads however it does not identify the impermeable areas connected to each pipe length within the hydraulic model. This information is required to confirm that the input data to the hydraulic modelling corresponds to the data shown on the drawings.
4. The revised drainage design that has been submitted now includes the node details however this only allows a check of the manhole cover levels included within the hydraulic model. As previously identified none of the pipe data for the drainage network (manhole invert levels, pipe diameters, pipe lengths and pipe gradients) have been included within the hydraulic modelling and therefore it is not possible to check that the data included within the modelling matches the data identified on the drainage layout drawings. The developer must supply all of the input data to the hydraulic modelling in order that this can be checked. This data must include manhole invert levels, pipe numbering, pipe lengths, pipe diameters, pipe gradients and impermeable area connected to each pipe length.
5. In order to confirm that the attenuation pond has been modelled correctly within the hydraulic model the developer must provide a detailed drawing showing the size of the attenuation pond at varying depths. This will allow the proposed volume of the attenuation shown on the drawing to be checked against the volume included within the hydraulic modelling.
6. The only details provided for the private attenuation system on the drainage layout is a storage volume. No details of the dimensions of the storage tank or the invert level of this storage tank are provided on the drawings. These are required in order to confirm that the input data to the hydraulic model match that included on the drawings.
7. Once the above information has been submitted, I will be able to confirm whether the surface water drainage has been designed in order that there is no risk of flooding for the critical 1 in 100 year storm event plus 40% for climate change.

Based on the above comments, before this planning permission can be granted the applicant must supply details to address all the points identified above.

(Officer comment: Further detail has been submitted that seeks to address the points raised and is currently being considered by the Councils drainage engineer).

South West Water

The applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection

No development will be permitted within 3.5 metres of the water main on site. The water main must also be located within a public open space and ground cover should not be substantially

altered. Should the development encroach on the 3.5 metre easement, the water main will need to be diverted at the expense of the applicant.

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the development. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable). Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into a surface water body is acceptable and meets with the Run-off Destination Hierarchy.

Police Designing Out Crime Officer

Crime, fear of crime, ASB and conflict are less likely to occur if the following attributes of Crime Prevention through Environmental Design (CPTED) are considered in the design and layout of the proposed scheme:-

Access and movement (Permeability) - Places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security.

Access to the primary school should be via a secure gate which can be on a time lock to allow access during school opening and finish time, this will aid to prevent unauthorised access and prevent children from absconding during school time. It is recommended that the gate is a minimum height of 1.8m, to the standard of LPS 1175 8A1 or equivalent, care should be taken to ensure the gates construction does not act as a climbing aid.

It is recommended that the adjoining boundary treatment to the gate is a weldmesh fencing to the same height as the gate and same security standard. The use of a dark colour finish to fencing reduces the reflection of light.

Structure – (Design & Layout) - Places that are structured so that different uses do not cause conflict

Surveillance (Natural, Formal & Informal) - Places where all publicly accessible spaces are overlooked.

Ownership - Places that promote a sense of ownership, respect, territorial responsibility and community.

Physical protection - Places that include necessary, well-designed security features as required by ADQ and SBD Homes 2019

It is recommended where pathways are being used to give access to multiple rear gardens, gates should be installed flush with the front of the dwellings so not to create unnecessary recessed areas.

Request a condition is put in place to ensure that gates to rear gardens are lockable from both sides, by means of a key for example. To prevent unauthorised access into the garden.

It is recommended that the fence and gate giving access to the bat/ecology corridor at the rear of plot 46 should be moved to be flush with plot 45 which will prevent public access around the rear of both plots which can increase the risk of ASB and the fear of crime. The access gates to the bat/ecology corridors should also be lockable to prevent unauthorised access into these areas.

Activity - Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.

Management and maintenance - Places that are designed with management and maintenance in mind, to discourage crime in the present and the future.

Parking

The amount of tandem parking does cause a concern as it is likely that from a practical and convenient point of view only one of the spaces will be used meaning that they are likely to park elsewhere which can create vehicle and parking related problems which the police can spend a lot of time dealing with.

Parking bays should be clearly allocated and marked including visitor spaces to prevent potential conflict over the use of these.

There is the potential for increased traffic and parking within the development during the school pick up and drop off times especially with the access route to the rear of the school, which could cause potential conflict between residents and parents picking their children up during these times if parking becomes an issue.

Highway Authority (Swisco)

Outstanding points regarding highway matters:

1. Require Personal Injury Collision (PIC) data for the latest available five-year period. (*Officer comment – not required, the amount of development and access is established*)
2. The recently submitted swept path analysis illustrates that a HGV accessing / egressing the site simultaneously would result in a collision – this is not acceptable in the interest of Highway Safety. The applicant will be required to amend the swept path analysis.
3. Required the car parking layout plan to include electric charging facilities. (*officer comment – condition suggested to secure EV charging facilities*).
4. Request that the applicant submit a Construction Management Plan for the site to provide an analysis of the construction phase of the development upon the operation of the local highway network. (*officer comment – covered under a pre-commencement condition on the outline application*)
5. Prior to marketing dwellings, a Travel Plan and Implementation Strategy with SMART targets to seek to meet minimum Policy requirements of 30% modal shift to foot, cycle and public transport, for all users, with appropriate monitoring, reporting and mitigation measures should these targets not be met, shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan is to be implemented for the lifetime of the development (or in accordance with the provisions of the Travel Plan). (*officer comment – covered under a condition on the outline application*)
6. Amend the Site Layout / Design to include points raised below:

1. Provide a service strip on side of road from opposite no 41 to no 45 on Western side of the site. *(Agent response: If this relates to having a service strip on the southern side of the road fronting plots 41-45 then this is adjacent to the POS and can be addressed via an informative on a Decision Notice to align with any future highway adoption).*
2. Extend parking bays to provide a drop off adjacent former Orchard to no 73's access
3. Conform with the Car and cycle parking for the proposed development should be provided in accordance with the Torbay Local Plan (2012 – 2032) Parking Standards (Appendix F) as well as with guidance contained within the Torbay Council Highways Standing Advice document. *(Agent response: all parking accords with the local plan standards)*
3. Confirm if trees either side of carriageway are to be adopted as Highway Trees outside 1 to 6. *(Agent response: no trees in the highway)*
4. Show shared footway crossings on Blagdon Road as 3m on each side of the junction.
5. Provide Double Yellow lines around the junction and on the eastern side of road down to the bend outside no 72. *(Agent response: This is a S.38 matter rather than a planning one. Its also not an RM for the purposes of this application).*
6. Relocate link to school further south at the junction with path and shared cycle way. *(Agent response: There is potential to relocate the footpath link to the school, subject to RPZ constraints. It is suggested that any re-location could be agreed by condition prior to installation. Relocation would need to be agreed with the School).*
7. Provide a footway outside no 33. *(Agent response: There is a footpath on at least one side of the road around Plot 33. It may be possible to include an extra length but I need confirmation from the architect).*
8. Provide Lighting Schedule for northern road adjacent Bat corridor.
Lighting drawing has been included (ref. 4244-LB-EX-XX-DR-E-8080-41)
7. Provide a Section 38 Drawing indicating Proposed adoption areas with a red Boundary.
Replacement drawings have been provided – forward visibility splays should be shown for all bends within the internal layout & areas intended for adoption within these visibility splays. *(Agent response: these have already been provided to the LPA).*
8. The layout and adopted HMPE (and or potential active travel) routes should, where possible, extend to the boundaries with no ransom please, even if it is not metalled.

Planning Officer Assessment

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

1. The Principle of Development

Outline consent has been granted for up to 73 dwellings pursuant to planning permission P/2019/0604. This has established that the principle of 73 dwellings served off an approved detailed access arrangement off the Totnes Road is acceptable. This Reserved Matters application is solely to consider the Layout, Scale, Appearance and Landscaping as the principle has been established.

In terms of relevant matters of principle the proposed development accords with the outline

consent in terms of delivering a layout aligned with the indicative masterplan considered at outline stage, served off the detailed access approved at outline stage.

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 principle of housing has been established through the outline consent. In terms of determination of applications for housing the 'tilted balance' guides to granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. In regard to applying the 'tilted balance' it is relevant to note that there are heritage considerations due to the site sitting within the setting of a Grade 2* Listed Church and other Grade 2 listed buildings. As concluded within this report there are no heritage reasons that provide clear reason for refusing the application, so the 'tilted balance' is considered applicable. This guides to granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. Notwithstanding the NPPF and the 'tilted balance' guidance, this does not displace the primacy of the Development Plan.

Due to the reasons stated above the principle of residential development on this site is accepted, when considering strategic policies SS1, SS2, SS5 and SS12 of the Torbay Local Plan and Policies PNP1 and PNP24 of the Paignton Neighbourhood Plan, and the Development Plan as a whole, subject to other material considerations, which will be discussed in more detail below.

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

The NPPF states (Paragraph 126) that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and furthers that good design is a key aspect of sustainable development. Several expected design outcomes follow in Paragraph 130 and the Framework furthers, in Paragraph 134, that development that is not well designed should be refused.

There is consistency with the NPPF across Local Plan Policies SS2 (Future Growth Areas), SS11 (Sustainable communities) and DE1 (Design). Policy SS2 seeks development to integrate with existing communities and reflect landscape character, Policy SS11 states that development must help to create cohesive communities within a high-quality built and natural environment. The policy also includes expectations for development to help develop a sense of place and local identity, deliver development of a type, scale, quality, mix and density appropriate to its location, and protect and enhance the natural and built environment. Policy DE1 states that proposals will be assessed against their ability to meet design considerations such as whether they adopt high quality architectural detail with a distinctive and sensitive palette of materials and whether they positively enhance the built environment.

In terms of further policy context design outcomes are also prominent within the Paignton Neighbourhood Plan with PNP1 (Area Wide) including reference to enhancement of local identity, PNP1(a) citing the importance of development responding positively to its context when in the Rural Character Area, PNP1(c) again identifying the importance of strengthening local identity, and PNP19 (Safeguarding the open countryside) and PNP24 (Collaton St Mary)

both express the importance of sensitive development within the rural context.

Layout

In terms of the layout the proposal is respectful of the outline information and follows the layout presented in the previous indicative masterplan that supported parent application. The basic principle of a 'loop' of development also accords with the indicative layout within the adopted masterplan for Collaton St Mary.

In terms of the detail the layout presents a loose knit form of development and varied building lines along streets. These elements help present an informal form of development that suitably responds to the rural context. The form of development is also broken up by a series of public open spaces through the site that perform a variety of functions including water attenuation, offer a public orchard, and formal play space.

All matters considered the layout and detailed arrangement of building and landscaped areas is considered well resolved and is supported.

Scale

The development follows the outline proposals and keeps development within a classic domestic scale. All buildings are two storeys with pitched roofs, with a handful of buildings offering accommodation within the roof, which are described as 2.5 storey buildings within the submission.

Buildings are kept away from the high point of the site in accordance within the outline proposals to limit wider landscape impacts.

All matters considered the scale of buildings is considered acceptable and is supported.

Appearance (form and materials)

The development presents a 'character area' concept, which has evolved from the outline concept, in order to try and respond to the rural context. The aim being to break down the scheme into smaller pockets of development as a reference to how rural hamlets and villages have traditionally tended to expand at a slow pace over time.

The concept is one of 6 character areas, which are briefly covered below.

Village Green: Sited at the entrance of the site and encompasses the attenuation pond and community orchard, with the entrance road passing by and a handful of properties overlooking the space. The space acts as a link and transition to and from the existing community and softens the entrance, with an emphasis on landscaping rather than buildings. The main material is rough render in this area with well-spaced properties and strong landscaping.

Southern Cluster: This is a gateway area where the road splits, central in the site, where there is a pocket of public open space around an open junction, planted with an oak tree and smaller specimens, and partly framed by devon banks. Dwellings overlook and frame the area. Materials include hanging tiles on the upper floors in this area as a change from render at the entrance.

Southern Mews Court: Located south of southern cluster and adjacent to the Totnes Road, the mews presents slightly smaller properties set off a landscaped courtyard. The buildings are brick in this area to present a distinct pocket of development.

Southern Link: Sited to the west of the mews and extending northward along the created field boundary the area seeks to present a softer face to the open countryside with well-spaced dwellings and landscaping. Materials change from rough render to tile hanging as you head

north away from the play area.

Northern Link: The area north of the central junction seeks to offer a varied street in term dog building lines and builds on the tile-hung character of the buildings to the south and west. The street includes a small planted public open space that offers some informality to the street.

Northern Farmstead: Northern corner of the site where buildings are focused around another informal greenspace. The use of stone through all of the principal elevations provides a distinct character to this area.

In terms of a response to the rural context the form of the dwellings, which are largely gabled but with occasional hipped roofs, with some minor dormers to the larger dwellings and gabled features breaking up certain dwellings, is considered to present some interesting variation within adequately contextual dwellings forms. In terms of the materials variety is welcomed where it is used in clusters. The premise of dark materials is also welcomed to soften the development and would help the scheme sit quieter within the landscape. Rough render over smooth render is also a positive choice that will offer a more rural feel to the scheme.

There is some questions around the proposed use of concrete hanging tiles and concrete roof tiles over natural materials, and the proposed stone, which is 'yate grey', over a more contextual red sandstone that predominates or the 'Torbay mix' that also has red tones to it. The use of concrete over natural materials sits at odds with the expectations of Policy PNP1(c) of the Paignton Neighbourhood Plan. it is recommended that these elements are considered in further detail via a materials condition.

In terms of other element of the built form the mixed use of estate railings, Devon banks, hedges, and brick walls to define public and private spaces is considered adequately resolved and contextual.

All matters considered the proposed layout, scale, form and materials, with consideration of the proposed landscaping, is considered to present a form of development that acknowledges and responds to the rural context and positively address local distinctiveness, for what is an edge-of-settlement location, subject to satisfactory resolution of the stone, roof and hanging tile material. For the reasons above the development is deemed to be well designed, as required by the NPPF, and is considered to accord with the Development Plan design-based policies when read as a whole, notably Policies SS2, SS11, DE1, DE4, NC1 and C4 of the Torbay Local Plan, and Policies PNP1, PNP1(a), PNP1(c), PNP19 and PNP24 of the Paignton Neighbourhood Plan.

3. Landscaping

Landscaping is a key component of placemaking and in a rural context is an important influencer of character. The importance of contextual and effective landscaping is highlighted within the NPPF within Chapter 12, Achieving well-designed places, as part of the drive towards delivering visually attractive development that also responds to and is sympathetic to local character (Paragraph 130). The NPPF also makes reference to the important contribution of trees to the character and quality of urban environments (aside benefits of adapting to climate change) and states that decisions should ensure that new streets are tree-lined, that other opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), and that existing trees are retained wherever possible.

At a local level the Development Plan seeks high quality landscaping in Policy DE1 and Policy C4 states that development will not be permitted where it would seriously harm protected trees or veteran trees, hedgerows, ancient woodlands or other natural features of significant landscape, historic or nature conservation value. The policy also states that development

proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity role.

Policy PNP1(c) of the Paignton Neighbourhood Plan includes relevant references to development proposals, where possible, retaining existing natural features, and furthers that hedgerows should be provided to at least one boundary and also should include tree planting, being encouraged to plant 3 new trees for each dwelling.

The development features various open undeveloped landscaped areas. There is a pond and orchard area towards the front of the site near to the vehicular access. Further into the site there are 3 distinct pockets of informal public open space that are planted with Oak trees. There is also a LEAP, again close to the Totnes Road Boundary, that has soft landscaping in and around it. Through the streets there are sections of planted Devon Banks that sit as landscaped features and regular tree planting within the public realm and to the rear of plots. Around the edges of the site the two existing tree-lined field boundaries are retained and enhanced with the creations of a green 'dark' corridor which acts as an ecology feature. Planting is enhanced to the other two boundaries of the site. Along the Totnes Road the planting is to be enhanced as part of the creation of a landscaped public foot/cycle way, and the created field boundary to the west also has tree planting and sections of Devon banking.

The landscaping scheme has evolved through the course of the application in order to strengthen the collective value of the overall design and layout and the planting within it. Following the receipt of final revisions that introduced Oaks within the informal public open spaces, to provide more locally reflective species of significant scale in the long-term, the proposed landscaping is considered acceptable, where it offers substantial softening of the built form and positively influences a more rural character to the scheme.

The progression of improvements is considered to present a scheme that is consistent with the National 'build beautiful' agenda outlined within Section 12 of the NPPF, and would be consistent with Paras 126, 130 and 131. The landscaping is also 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. Heritage Impacts

The site does not hold any listed buildings or structures, nor is it within the boundaries of a designated Conservation Area. However to the east off Bladgon Road there is the Grade 2* Parish Church of St Mary, and Grade 2 Old School House and Old Vicarage buildings, in addition to a further four Grade 2 listed properties set off the Totnes Road (No.s 391-397). Also, to the west approximately 300 metres, is another Grade 2* listed building, which is the 15th Century Bladgon Manor. The development does sit within the setting of these listed buildings, where there are direct views and/or where there is a kinetic experience of their settings as you pass through Collaton St Mary. Hence impact on their settings needs to be duly considered.

The NPPF guides that when considering the impact of a proposed development on the significance of a designated heritage asset, that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (Para 199). The NPPF further states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (Para 200). It guides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Para

202).

In terms of the local Development Plan it is guided that development proposals should have special regard to the desirability of preserving any listed building and its setting (Policy HE1 of the TLP). This is aligned with the duties for decisions as laid out within the Planning (Listed Buildings and Conservation Areas) Act 1990 c.9 para 66, where decisions shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

In terms of what is possibly the most sensitive relationship, with the church and the organic cluster of surrounding historic buildings, their rural character and setting is currently largely retained, with the surrounding green fields reinforcing the relationship between the church and the rural hinterland and ultimately how it is experienced as a rural village church. The detailed reserved matters are considered well resolved in order to limit the impact up on the setting of these, and other, listed buildings in the area, having adequately built on the low-density, loosely arranged and landscaped-led outline proposals previously presented. This considers the conclusion on design and visual impact and landscaping in Sections 2 and 3 of the Planning Officer Assessment within this report. However there will be an inherent urbanising impact from the development and the outlook from the churchyard will be impacted. As the scheme is considered well-resolved the scale of harm is considered to be less-than-substantial.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset the NPPF guides that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Para 202).

In this instance the public benefits being the provision of up to 73 dwellings, of which 22 will be affordable, in addition to the delivery of construction jobs and the resultant households and their expenditure within the local economy. Also, there is the provision of public play space where there is currently none in the vicinity and enhanced public transport infrastructure. To consider. Overall these public benefits are not insubstantial. Officers are also mindful that the site is identified for housing and the principle of housing is not objected to per-se, which would naturally present some change to the character of the site.

On balance, with a less than substantial level of harm, when considering the Development Plan and the NPPF, and the public benefits, the development is considered suitable for approval in accordance with Policy HE1 of the Torbay Local Plan and Paragraphs 199, 200 and 202 of the NPPF.

In reaching this conclusion Officers have duly considered the general duties as respects listed buildings under the Planning (Listed Buildings and Conservation Areas) Act 1990 c.9 para 66.

5. Residential Amenity

The Torbay Local Plan contains policies to ensure that appropriate residential standards are achieved in residential schemes, including size standards, through Policy DE3, and that development meets the needs of residents and enhances their quality of life, through Policy SS11. The Paignton Neighbourhood Plan, in Policy PNP 1(d) (Residential Development), presents guidance on supporting elements required for residential units and the NPPF (Para 130) guides 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 and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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. All are well spaced and provide good natural lighting to key habitable rooms and good outlooks. Internal privacy is duly offered with adequate back-to-back distances between dwellings or outlooks to landscaped borders. There will be some natural overlooking of gardens, but this is commonplace within residential environments and there are no unacceptable, i.e. overly dominant, relationships. 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) and support the concept of producing, in the round, a good level of amenity for future occupiers.

In terms of ancillary elements of parking, cycle parking and waste storage the following is considered.

All dwellings have at least 2 off street parking spaces or 2 assigned spaces within courtyards or within parking runs immediately adjacent. The 4 apartments have 1 assigned space and there are 2 unassigned spaces within the mews parking in the area of the apartments. This level of provision accords with the standards expected in the Development Plan. Most dwellings also benefit from a garage as an additional space that would be available. Electric charging is not detailed and details should be sought to accord with Development Plan expectations, for all dwellings.

Waste storage is detailed for dwellings within the terraced arrangements which will guard against unnecessary street clutter. All other dwellings offer sufficient access to garages or gardens for waste storage potential, and it is not considered necessary to detail these out. Units 8-11 are apartments without detail and clarity on waste storage should be sought by a planning condition.

In terms of cycle parking the Development Plan expects dwellings to be afforded with 2 spaces and apartments 1 space. The Design and Access Statement details that cycle parking will be provided in accordance with local parking policy however the layout plans do not offer clarity on that detail. Where dwellings are afforded a garage as a third space the facility is considered adequate to be considered as providing cycle parking possibilities. Elsewhere details should be sought on the location and form of cycle parking to meet the standard above. This can be secured through a planning condition.

In terms of designing out crime Policy PNP1(g) of the Paignton Neighbourhood Plan expects all developments to show how crime and the fear of crime have been taken into account. In terms of consultee comments it is noted that the Police Designing Out Crime Officer has raised comments including certain boundary positions and advice on plot security. It is recommended that a planning condition is attached to secure details on how the development responds to Secured By Design.

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 Policies SS11, DE1 and DE3 in the Torbay Local Plan, PNP1(d) of the Paignton Neighbourhood Plan, and advice contained within the NPPF regarding creating good quality living environments.

Adjacent Occupiers

The site does not directly border residential properties with the nearest dwellings sited cross the Totnes Road. Due to the distances and natural separation afforded by the separation road the development will not impact the amenity of adjacent occupiers. Construction impacts will be duly managed through Condition 13 of the outline consent, which requires a Construction Management Plan to be submitted to the Local Planning Authority and approved prior to the commencement of development.

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.

6. Highways, Movement and Parking

Vehicular Access

The access into the site was approved at outline stage for the amount of development approved and hence is not considered as part of this reserved matters application. The Highway Authority request for Personal Injury Collision (PIC) data for the latest available five-year period is not considered necessary or reasonable in this context.

Connectivity

The outline proposal established the need for a pedestrian/cycle route linking the development towards Blagdon Road (school junction) along the highway verge.

9) Prior to commencement of development, a section 278 Agreement shall be entered into with the Highway Authority to secure pedestrian crossing facilities adjacent to the existing bus stops to the west of the site within the vicinity of the proposed LEAP and adjacent to the proposed vehicular junction, together with works to create a foot/cycle route that connects the eastern edge of the site to the junction/crossing of Blagdon Road. The approved works shall be delivered in accordance with the Agreement.

The scheme involves a continuous pedestrian route along the edge of the site with the Totnes Road that links to highway works to link down towards the Blagdon Road and school. The route, both within the site and on highway land, is direct, naturally overlooked by existing and proposed properties, and will be softened within the site with landscaping to provide an attractive environment for users. The route also provides adequate connectivity to the proposed play area, communal orchard, and nearby bus stops and crossings. Highway works established at outline stage will also improve connectivity across the Totnes Road for existing residents and future occupiers of the development, where existing crossings to bus stops are absent.

The connectivity, including better access to the inbound bus stop for residents living on the southern (opposite) site of the Totnes Road, is well considered and sits as a positive aspect to the scheme.

Internal Road Network

The layout accords with the indicative plans from the outline stage with a simple loop solution for the site with minor spurs to provide a mews courtyard and short private shared drives.

The proposed network is considered acceptable and would support the provision of well-connected and overlooked public roads and spaces, presenting an attractive environment.

The Highway Authority has raised several points for clarification. A number of these replicate or have been established at outline stage and hence do not require further consideration. It is

considered reasonable to establish certainty on adequate access for waste and emergency vehicles and further detail has been submitted by the applicant and is being considered. Members will be updated. There are several minor technical matters linked to evolving a settled scheme for adoption, these are largely clarification points for the Highway Authority, or which can be addressed under planning conditions for delivery, such as electric charging and sufficient cycle facilities, which are noted below.

The proposal, subject to the satisfactory resolution of minor design matters raised by the Highway Authority, is considered to present an acceptable road layout.

Car and Cycle Parking

All dwellings have at least 2 off street parking spaces or 2 assigned spaces within courtyards or within parking runs immediately adjacent. The 4 apartments have 1 assigned space and there are 2 unassigned spaces within the mews parking in the area of the apartments. This level of provision accords with the standards expected in the Development Plan. Most dwellings also benefit from a garage as an additional space that would be available. Electric charging is not detailed and details should be sought to accord with Development Plan expectations, for all dwellings.

Waste storage is detailed for dwellings within the terraced arrangements which will guard against unnecessary street clutter. All other dwellings offer sufficient access to garages or gardens for waste storage potential, and it is not considered necessary to detail these out. Units 8-11 are apartments without detail and clarity on waste storage should be sought by a planning condition.

In terms of cycle parking the Development Plan expects dwellings to be afforded with 2 spaces and apartments 1 space. The Design and Access Statement details that cycle parking will be provided in accordance with local parking policy however the layout plans do not offer clarity on that detail. Where dwellings are afforded a garage as a third space the facility is considered adequate to be considered as providing cycle parking possibilities. Elsewhere details should be sought on the location and form of cycle parking to meet the standard above. This can be secured through a planning condition.

Other layout/movement issues:

As details PIC date is not considered necessary as outline consent and detailed access to it has already been granted. The Highway Authority's request for electric charging can be dealt with via a planning condition and the request for a Construction Method Statement is already captured through a condition attached to the outline consent. Condition 13 requires that no development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. Swept path detail for larger vehicles has been submitted and is being considered. Any necessary changes are likely to be de minimis and are unlikely to impact the general layout being considered. The request for a travel plan is suggested as a condition, as is confirmation of cycle parking facilities. There are some minor technical queries in accordance with the highway comments summarised in this report, which are being considered, but again these are unlikely to present demonstrable changes to the layout being considered.

The proposals are, subject to the satisfactory resolution of the details suggested above, considered to present an acceptable layout in terms of layout and movement, in accordance with Policies DE1, TA1, TA2 and TA3 of the Torbay Local Plan, Policy PNP1(h) of the Paignton Neighbourhood Plan, and the NPPF.

7. Ecology and Biodiversity

The ecological context was duly considered when the outline consent was granted, to ensure that protected species and habitats would not be unduly harmed and that biodiversity aspirations could be met, in accordance with guidance contained within the NPPF and the Development Plan, notably policies SS8, SS9, NC1, C4 of the Local Plan and PNP1, PNP1(a) of the Paignton Neighbourhood Plan. Outline consent was granted subject to reserved matters including the following detail;

1. A Lighting Assessment to demonstrate compliance with the 0.5 lux design parameter set out in the Shadow HRA (Condition 5).
2. A Construction Environmental Management Plan (CEMP)(Condition 6).
3. A Landscape and Ecological Management Plan (LEMP)(Condition 7).
4. A monitoring strategy to provide early warning of any change in site conditions that are likely to impair or disturb greater horseshoe bats being able to commute through the site adjacent to the site boundary (Condition 8).
5. Measures to enhance biodiversity (Condition 12).

The application is supported by the following documents and plans, which respond to the requirements of the conditions attached to the outline consent in terms of details to be submitted:

- Lighting Impact Assessment
- Construction Environmental Management Plan: Biodiversity
- Landscape and Ecological Management Plan
- Ecological Enhancement Plan
- Greater Horseshoe Bat Monitoring Strategy
- Biodiversity Statement
- Landscape Masterplan

The ecology detail has been considered by Devon County Council ecologist.

The latest lighting assessment is considered acceptable and addresses Condition 5 of the outline consent, where it ensures that there is no likely significant effect on commuting bats associated with the South Hams SAC. The latest Greater Horseshoe Bat Monitoring Strategy is also considered to satisfy Condition 8 and provides an ongoing strategy to identify changes in the site that may present harm.

The latest Construction Environmental Management Plan provides acceptable mitigation to protect ecological features through the construction phase and proposes a suite of ecological enhancement measures to positively address biodiversity enhancement aspirations. Measures include the detailed provision of bat and bird boxes, hedgehog passes, bee bricks, insect houses and reptile habitats. These are in support of the tree planting through the scheme, hedgerow and meadow planting, and the dark corridor habitat.

The latest Landscape and Ecological Management Plan covers all areas of communal landscaping within the proposed development, with maintenance formulated to maximise the landscape amenity of the site moving forward. The plan deals with the maintenance of trees, hedges, ornamental shrub planting, grassland and wildflower meadows, the water habitats, and the more formal areas in terms of the play area, and streets and footpaths. The LEMP is considered acceptable.

The outline conditions largely establish compliance with the relevant ecology-based documents submitted and approved pursuant to the reserved matters, however lighting Condition 5 does not and should be subject to a planning condition for compliance.

The development is deemed to accord with policies SS8, SS9 and NC1 of the Torbay Local

Plan and policy PNP1(c) of the Paignton Neighbourhood Plan.

8. Flood Risk

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere. The Paignton Neighbourhood Plan offers similar plan-wide aspirations in Policy PNP1(i) and area-specific aspirations are offered in Policy PNP24.

Flood risk was considered at outline stage with an accepted outline strategy. The outline consent was subject to a planning condition requiring future reserved matters to demonstrate that the risk of flooding would not be increased, in line with the design parameters outlined within the previously submitted and approved Flood Risk Assessment.

The application is supported by detailed drainage plans and supporting information for a scheme that attenuates surface water run-off on site within an attenuation pond that is part of the 'village green' landscaped area in the southeast corner of the site close to the Totnes Road. This acts as an on-site holding basin for surface/storm water. The proposal then seeks to discharge the attenuated water at a controlled rate equivalent to undeveloped 'greenfield' runoff to the nearby watercourse at a point near to the Junction of Totnes Road with Blagdon Road, via a proposed Public Sewer that run from the site within highway land.

South West Water raise no objection but state that the applicant should demonstrate to the Local Planning Authority that the prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable.

The Council's Drainage Engineer has reviewed the proposed surface water proposal and does not object to the means of disposal, i.e. a controlled discharge to the nearby watercourse. There is also acceptance to the proposed discharge rate to the watercourse, which complies with the requirements of the Torbay Critical Drainage Area.

Although there is no objection to the strategy and design parameters there is various technical detail requested by the Council's engineer to ensure that the detailed scheme is acceptable. The request includes for example identification of the impermeable areas connected to each pipe length, and various pipe data for the drainage network (manhole invert levels, pipe diameters, pipe lengths and pipe gradients). There is also a request for more drawings of the attenuation pond at varying depths, to ensure the proposed volume can be checked against what is modelled, and some dimensional detail requested to check the storage area in the northern corner of the site.

The above detail has been requested and members will be updated on any revised position. If the matter is pending or under consideration officer advice is that resolution can be delegated to officers, with any positive resolution subject to securing a scheme supported by the Council's drainage engineers. The pursuit of the outstanding technical data will not change the layout or physical form of the development, which informs the recommendation that the decision on the reserve matters more broadly can be progressed on 'subject to' basis.

Subject to the receipt of further technical information that removes any uncertainty on the detailed design, and delivers a surface water drainage that would not increase the risk of flooding for the critical 1 in 100 year storm event plus 40% for climate change, the development is considered acceptable on flood risk grounds, and would accord with Policies ER1 and ER2 of the Torbay Local Plan and policy PNP1(i) of the Paignton Neighbourhood Plan.

9. Low Carbon Development

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, which includes the consideration of construction methods and materials. Policy ES1 seeks that all major development proposals should make it clear how low-carbon design has been achieved, and that proposals should identify ways in which the development will maximise opportunities. ES1 also states that the retrofit of energy efficiency measures to existing buildings will be encouraged and supported, and that opportunities for reducing carbon emissions associated with energy use will be sought through the development management process as part of the wider conversion/ refurbishment of buildings where planning permission is required.

In terms of the Paignton Neighbourhood Plan Policy PNP1(f) states that new development should aim to achieve where appropriate and subject to viability: i) the latest developments in sustainable construction and water management technologies that mitigate and adapt to climate change; ii) the use of reclaimed materials and natural finishes; iii) include soft landscaped areas for natural drainage of rain water, and compensate fully for any existing soft area lost to development; iv) on site renewable energy generation to achieve 20% of subsequent in-use requirement wherever possible. Solar arrays will be encouraged where they do not adversely affect residential amenity, a vista of landscape value, or designated conservation area; v) connecting cycleways and footpaths where development involves new road infrastructure.

The NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Low carbon and energy aspirations were considered at outline stage and the outline consent was subject to a planning condition (Condition 15) for any reserved matters application relating to the proposal's layout, scale and appearance, to include details of energy efficiency measures. The application is supported by an energy and sustainability statement that seeks to address this condition and the ambitions of the Development Plan and the NPPF.

The Energy and Sustainability Statement details a number of measures that the development and dwellings shall incorporate and this states that the whole of the development is designed to meet expected future building regulations, which resultantly is assessed to deliver at least a 31% reduction in CO₂ emissions compared with current regulatory standards, thereby exceeding the requirements as set out in the Torbay Local Plan 2012-2030 and the Paignton Neighbourhood Plan Policy PNP1 (f). The Statement demonstrates that the development will achieve these carbon reductions through higher fabric standards and low carbon and renewable energy systems being installed to offset emissions and reduce fuel bills for residents. The Statement additionally details the proposed approach to addressing overheating risk, sustainable and responsible materials usage and water consumption of the dwellings. The development is considered to respond positively policy aspirations and Condition 15 of the outline consent.

To secure certainty on the schemes low carbon credentials ambiguity within the Statement should be addressed by a planning condition/s. Notably the document states some units will be installed with a Waste Water Heat Recovery (WWHR) system, that some units will be installed with a Flue Gas Heat Recovery (FGHR) system, and that where feasible, dwellings will be fitted with high-efficiency combination boilers. The Statement furthers that to respond to Policy PNP1 (f) of the Paignton Neighbourhood Plan an estimated 120KW of solar power would need to be delivered through the scheme, to deliver no less than 20% of the energy

demand via renewable energy systems. The Statement offers that PV panels will be distributed to take advantage of favourable pitch and orientation where feasible, and grouped into cost-effective system sizes to ensure that the capital outlay for the systems is biased towards the energy-producing element. The details plans do not however detail out this provision and hence would also require capturing within any energy-based planning condition.

The proposal is considered, with an appropriate planning condition, to deliver on the low carbon aspirations of the Development Plan and the NPPF.

10. Affordable Housing

Affordable housing provision has been largely established outline stage with the amount and general parameters for the provision set in a Legal Agreement that accompanies the outline consent. This established the provision of 30% affordable units, which is the policy compliant level for development of this scale on greenfield sites, occupation type, specifications, and delivery. The Legal Agreement set the type of affordable units in accordance with policy guidance, with the need to deliver a split of a third-third-third between social rent, affordable rent, and part ownership, with 5% of the provision being adapted dwellings. The legal agreement also established the broad requirement for a proportionate mix of dwelling types, and for these to be distributed through the development.

In addition to the requirements of the Legal Agreement a planning condition was placed on the outline consent (Condition 11) that any application for reserved matters relating to the proposal's layout and scale, a scheme of affordable housing shall be submitted for the written approval of the Local Planning Authority, which shall include information about the siting, size, and tenure type of the affordable units.

The requirement of Condition 11 to submit details with the reserved matters has been met and the submission is accompanied by an Affordable Housing Plan. The plan details the provision of 22 units, which accords with the requirement to deliver 30% of the units as affordable units.

In terms of tenure split the plan details 7 units of affordable rent, 7 units of social rent, and 8 units of shared ownership. This is considered to accord with the requirement to have an even split of tenure types through the scheme.

The location of the units are distributed though the development within 4 'pockets'. 3 shared ownership dwellings and 4 affordable rented units (flats) are proposed within the southern mews character area near to the Totnes Road. 2 social rented units and 3 shared ownership units are proposed within the northern link character area on the northern part of the circular road, and a similar level and type is proposed within the southern link character area, on the southern part of the circular link road. The remaining 5 units are within the northeast corner of the site and provide 3 affordable rented units and 2 shared ownership units.

The council's Housing Strategy and Enabling Officer has reviewed the proposed provision and concludes that it is a good Affordable Housing scheme, noting that the affordable housing is spread across 4 clusters on the site and that there is a good range of house types, including up to 2 x 4 bedrooms. There is some uncertainty on the requirement to provide 5% of the affordable units (i.e. 1 unit) as an Adapted Dwelling, which is within the Legal Agreement. Clarity on which unit(s) will be delivered to adapted standards in accordance with the Legal Agreement has been sought from the agent. Subject to clarification the Council's Housing Delivery Officer supports the proposal in terms of an affordable housing offer.

11. 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, including 22 Affordable Housing units. Given the NPPF priority to significantly boost the supply of housing the additional dwellings to be provided must carry significant weight in this balance, with the benefit heightened by the inclusion of 30% of the units being Affordable units. 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 development is supported by drainage, landscaping and ecological measures to mitigate impact, as detailed in this report. It is concluded that the environmental impacts of the development weigh neutrally 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 these Reserved Matters. The outline consent is subject to a S106 legal agreement that secures the following if a scheme is delivered;

- 30% Affordable Housing.
- Education Contributions in accordance with the adopted SPD.
- Sustainable Transport Contributions in accordance with the adopted SPD.
- Highway Works Contribution to the sum of £119,500.00 towards improvement works to the A385.
- TRO Contribution of £8,000.00.
- Flood Works contribution of £66,795.00.
- Lifelong Learning Contribution in accordance with the adopted SPD.
- Waste and recycling Contribution in accordance with the adopted SPD
- Delivery of Public Open Space and SUDS facilities.

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. The provision of 22 affordable homes is also a significant material benefit.

The provision of a public play area is also a significant public benefit, certainly in light of the current absence of child's play facilities within the area. The nearest formal play area being at Claylands near the junction of Borough Road and Brixham Road.

The provision of enhanced public transport facilities is also a material benefit with the proposal including the provision of a pull-in bus stop on a strategic road, in place of the existing in-carriageway bus stop. It is also proposed to secure a central crossing refuge, which will also improve the access to the eastbound bus stop where there is currently no crossing facilities to aid crossing a strategic road.

Conclusions and Reasons for Decision

The site already has outline planning permission (with an approved vehicular access design) and is identified for housing within the Development Plan, and the proposal is consistent with the approved outline application for the site. The proposal is considered acceptable in principle.

The scheme is adequately resolved and would not result in unacceptable harm to the character of the area, or local amenity; would provide an adequate standard of living accommodation and is acceptable in terms of access, ecology and flood risk matters (ecology and flood risk subject to confirmation from the relevant consultees on minor detail matters).

There are also demonstrable public benefits that weigh in favour of the scheme, notably housing provision, including 22 affordable units, the first formal equipped child's play area in Collaton St Mary, and public transport facilities would be improved.

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.

The NPPF guides that decisions should apply a presumption in favour of sustainable development and for decision making that means approving development proposals that accord with an up-to-date development plan without delay, or where for housing proposals within situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Or where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole. There are no impacts on protected areas or assets of particular importance to provide a clear reasoning for refusal.

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 resolution of detailed design elements of the surface water drainage system, to the satisfaction of the Councils Drainage Department (Lead Local Flood Authority), to be delegated to the Divisional Director of Planning, Housing and Climate Emergency.

The receipt of satisfactory detail clarifying the conclusions made by within the submitted ecology report regarding cirl bunting and dormice, to the satisfaction of the Divisional Director of Planning, Housing and Climate Emergency, in consultation with Devon County Council Ecologist.

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

Low Carbon 1

Notwithstanding wording within the submitted and approved Energy and Sustainability Statement all dwellings shall have the following installed prior to their first occupation, unless an alternative schedule of provision is submitted and approved in writing by the Local Planning Authority that demonstrates that their installation within identified dwelling/s is not feasible.

1. A Waste Water Heat Recovery (WWHR) system.
2. A Flue Gas Heat Recovery (FGHR) system.
3. A High-efficiency combination boiler.

Reason: In interests of tackling climate change and securing low carbon development, in accordance with Policies SS14 and ES1 of the Torbay Local Plan 2012-2030, Policy PNP1(f) of the Paignton Neighbourhood Plan, and guidance contained within the NPPF.

Low Carbon 2 - PVs

Prior to the commencement of development above Damp Proof Course level details of the location and arrangement of on-site renewable energy generation, demonstrated to achieve no less than 20% of subsequent in-use requirement, in accordance with the submitted and approved Energy and Sustainability Statement, shall be submitted to and approved in writing by the Local Planning Authority.

The proposals shall as far as practicable demonstrate the following:

- (a) Be sited so as to minimise its effect on the external appearance of any building;
- (b) Be sited so as to minimise its effect on the amenity of the area.
- (c) Be detailed so as not to protrude more than 0.2 metres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope, and would be no higher than the highest part of the roof

The solar equipment approved within each dwelling plot shall be implemented in full and operational prior to the first occupation of the building and maintained thereafter.

Reason: In interests of tackling climate change and securing low carbon development, in accordance with Policies SS14 and ES1 of the Torbay Local Plan 2012-2030, Policy PNP1(f) of the Paignton Neighbourhood Plan, and guidance contained within the NPPF.

Waste Storage apartments

Prior to the first occupation of Units 8-11 details of waste storage facilities shall be submitted to and approved in writing by the Local Planning Authority.

The waste storage facilities approved for each unit shall be implemented in full and operational prior to the first occupation of the unit and maintained thereafter.

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

Cycle Parking

Prior to the first occupation of each plot identified below plans identifying the form and location of secure cycle parking (2 per dwelling and 1 per apartment) shall be submitted to and approved in writing by the Local Planning Authority.

Plots 3, 4, 5-16, 22, 29-32, 34, 35, 40-44, 46-50, 54-56, 63-67,

The approved facilities shall be provided and made available for use prior to the occupation of the plot to which it relates 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 DE1 and TA3 of the Torbay Local Plan 2012-2030, Policy PNP1(d) of the Paignton Neighbourhood Plan and the NPPF.

Parking Provision

Prior to the first occupation of each dwelling (or apartment) the parking facilities identified for that dwelling (or apartment) shall be completed and made available for such purposes. The parking facilities for each dwelling (or apartment) shall thereafter be retained for such purposes.

Reason: To secure an acceptable form of development and provide adequate parking, in accordance with Policies DE1 and TA3 of the Torbay Local Plan 2012-2030.

Electric Parking Provision

Prior to the first occupation of each dwelling details of the form and location of electric car charging facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be completed and made operational and available for use prior to the first occupation of each dwelling and maintained operational and available at all times thereafter.

Reason: To secure an acceptable form of development and provide adequate parking, in accordance with Policies DE1 and TA3 of the Torbay Local Plan 2012-2030.

Open Space

The equipped play area and areas of public open space delivered as part of the scheme shall be maintained as approved and be available for use by the public at all times in perpetuity, except for short term essential maintenance purposes.

Reason: To secure an acceptable form of development and maintain areas with proposed public value, in accordance with Policies SSS7, SS11, DE1, DE3 and SC5 of the Torbay Local Plan 2012-2030.

Lighting

Development shall be carried out in accordance with the actions set out in the submitted and approved Biodiversity Statement and Lighting Impact Assessment. External lighting within the site shall at all times strictly accord with the details approved with no additional or amended lighting within the site.

Reason: To secure an acceptable form of development and to protect ecology and protected species, in accordance with Policies ss8, SS11, DE1, DE3, C1 and NC1 of the Torbay Local Plan 2012-2030.

Ecological Compliance

Prior to the first occupation of the development, or in accordance with a phasing strategy if agreed under condition 12 of the outline consent, an ecological compliance statement for the development, or phase, shall be submitted to and approved in writing by the Local Planning Authority by the appointment Ecological Clerk of Works (as required by the approved CEMP). The ecological compliance statement

shall confirm that all necessary works within that phase identified within the approved CEMP Ecological Enhancement Plan have been implemented.

Reason: To secure an acceptable form of development and to protect ecology and protected species, in accordance with Policies SS8 and NC1 of the Torbay Local Plan 2012-2030.

Materials Schedule

Notwithstanding materials referenced within approved plans prior to their installation the following shall be submitted to and approved in writing by the Local Planning Authority:

- I. A revised stone sample that responds adequately to local character and distinctiveness
- II. A revised roof and tile hanging materials that respond adequately to local character and distinctiveness and demonstrates accordance with Neighbourhood Plan aspirations for natural materials and demonstrates accordance with climate change aspirations.

The development shall proceed in full accordance with the details approved pursuant to this condition and all other materials shall accord with the materials schedule detailed and approved.

Each building shall be externally finished in full accordance with the approved materials schedule for that building.

Reason: To secure an appropriate form of development in accordance with Policy DE1 of the Torbay Local Plan 2012-2030, Policies PNP1 and 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 DE1 and DE3 of the Torbay Local Plan 2012-2030, Policy PNP1(c) of the Paignton Neighbourhood Plan and advice contained within 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, or any Order amending or revoking said Order;

- i. No enlargements, improvements or other alterations shall take place to dwellings within the application site, and no outbuildings 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 within the site.

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 character, local amenity and biodiversity, in accordance with Policies DE1, DE3, SS8, SS9 and SS11 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.

Levels, Underbuilds and Retaining Walls

Prior to the commencement of development the following details shall be submitted to and approved in writing by the Local Planning Authority:

Details of all Finished Floor Levels for dwellings and garages
Details of all retaining walls or underbuilds, including heights and form
Details of all grading/management of level changes within gardens, including levels.

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

Reasons: In order to protect visual character and local 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. These details are required pre-commencement in order to secure the timely agreement of details to protect visual character and future occupier amenity.

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 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 DE1, SS11, TA1 and TA2 of the Torbay Local Plan 2012-2030.

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.

The approved measures for each dwelling/plot shall be implemented in full prior to the first occupation of each dwelling/plot.

Reason: In the interests of crime prevention in accordance with Policy DE1 of the Torbay Local Plan and Policy PNP1(g) of the Paignton Neighbourhood Plan.

Landscaping

Any trees, hedges or plants, within both public and private areas, 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.

School Link

Notwithstanding details on the plans hereby approved prior to layout out of the pedestrian "school" link to the northeast boundary the precise location and detailed finish shall be submitted to and approved in writing by the Local Planning Authority.

The approved link shall be implemented in full within a timeline agreed pursuant to this condition and maintained for such purposes thereafter.

Reason: In the interests of amenity and connectivity, in accordance with Policies SS11 and DE1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

Informative(s)

01. 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.

02. Conditions relevant to these reserved matters are present on the outline consent P/2019/0604.

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(a) - Rural Character Area
PNP1(c) – Design Principles
PNP1(d) – Residential Development
PNP1 (f) – Towards a sustainable low carbon energy efficient economy
PNP1(g) – Designing out crime
PNP1(h) – Sustainable transport
PNP1(i) - Surface Water
PNP19 – Safeguarding open countryside
PNP24 – Collaton St.Mary Village