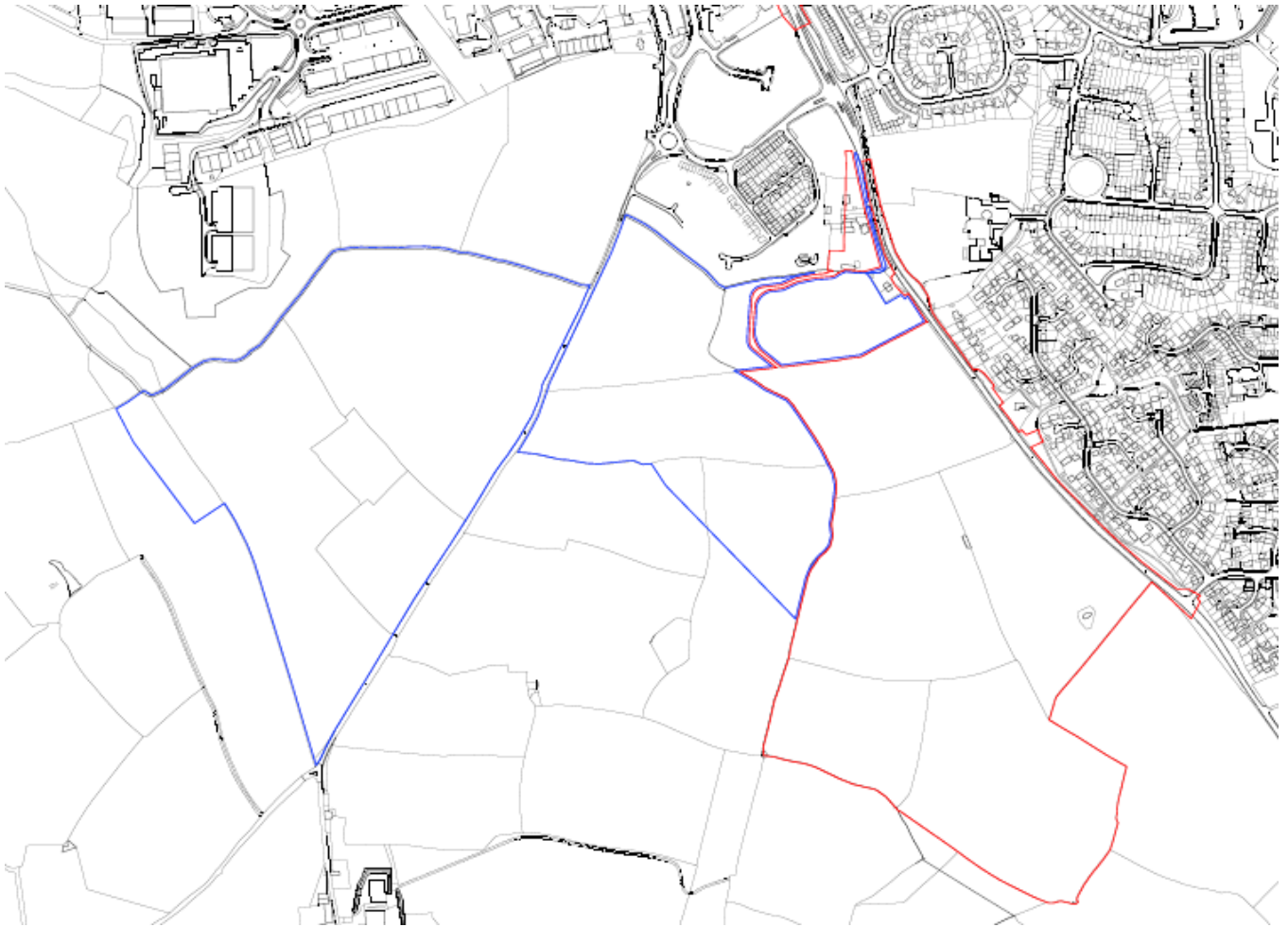


Application Address	Site	Land To The South Of White Rock, Adjacent to Brixham Road, AKA Inglewood, Paignton
Proposal		Major Reserved Matters application relating to outline consent <b>P/2022/0112</b> for approval of (i) layout, (ii) scale, (iii) appearance, (iv) landscaping for the construction of 373 dwellings (Use Class C3), provision of serviced land for primary school and nursery school, internal access roads including vehicular and pedestrian/cycle access, the provision of public open space (formal and informal) and strategic mitigation.
Wards		Churston with Galmpton, Collaton St Mary
Application Number		P/2022/1119
Applicant		Persimmon Homes Cornwall and Devon
Agent		Blue Fox Planning
Date Application Valid		28.10.2022
Decision Due Date		27.01.2023
Extension of Time Date		31.03.2023
26 Week Expiry Date		21.04.2023
Recommendation		Approval: Subject to: 1. The final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency. 2. 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.
Reason for Referral to Planning Committee		Major Development.
Planning Case Officer		June Pagdin

### Site Location



## **Site Details**

The application site measures approximately 31Ha of previously agricultural land on the west side of Brixham Rd just south of White Rock on the western edge of Paignton/Broadsands. The site has outline planning permission (P/2017/1133) for "residential led development of up to 373 dwellings (C3) together with the means of vehicular and pedestrian/cycle access together with the principle of a public house (A3/A4 use), primary school with nursery (D1), internal access roads and the provision of public open space (formal and informal) and strategic mitigation"

The boundaries of the application site are defined by existing hedges. The eastern boundary runs along the edge of Brixham Road and comprises hedgerow and trees adjacent to the highway verge. On the opposite side of Brixham Road is the residential area of Steed Close. These dwellings are generally set back from the road behind front gardens and a landscape strip of mature trees and grassed slopes.

The western boundary of the application site is defined by a hedge-bank with fields beyond. To the west of the site the fields are in agricultural use and include ecological mitigation works and farming practices that support wildlife, including the protected species of Greater Horseshoe Bats and cirl buntings.

To the north of the site is an open space containing woodland planting, which is provided as part of the White Rock development. A triangle of land east of Limekiln Close is included in the application site. A pedestrian/cycle route is required to be provided (further to the outline permission) through the north of the site to link with residential roads in White Rock. To the south are open fields which separate the site from Galmpton village.

The access roundabout from Brixham Road is under construction but is not yet connected to the highway. The site construction access uses a previous field entrance from Brixham Road. The roundabout and associated public highway works were the subject of the outline planning permission. There is a no pedestrian access at present.

In the Torbay Local Plan, the site is identified as a country park and mineral reservation area. However, outline planning permission for 373 dwellings, a school and a public house was granted on appeal (P/2017/1133) and the allocation is under assessment in the current HELAA exercise for the Local Plan Review.

In terms of other relevant context, the site slopes down to the south and west and is in Flood Zone 1. The South Devon AONB boundary runs along Stoke Road, approximately 700m to the south west of the west boundary of the site.

### **Background to this application**

This is a Reserved Matters application seeking approval for the layout, scale, appearance and landscaping for 373 dwellings. This application is further to the grant of outline consent under application reference P/2022/0112 for up to 373 dwellings (a s73 Variation of application P/2017/1133). The outline consent required ecological mitigation works to be undertaken prior to development and these have been installed and relevant detail agreed.

The Reserved Matters application does not amend the quantity of development nor affect the principle of the development, which has already been allowed. Nor does it relate to the details of the public highway and access works, which were approved under the outline permission.

The outline consent attached conditions which required the following details to be submitted with the Reserved Matters applications:

Standard reserved matters (condition 2) :

- Layout
- Scale of development
- Appearance of development
- Landscaping

Additional ones:

- Sustainable Construction (Condition 4)
- Phasing (Condition 5)
- Play areas (Condition 6 & 7)
- LEMP (Condition 8)
- Bus Stop Infrastructure (Condition 22)
- Adoptable highway network (Condition 23)
- Details of position of EVCPts (Condition 28)
- Cycle Parking and bin storage for waste and recycling (Condition 32)
- Position of school site (Condition 33)

Therefore, these matters are relevant to this Reserved Matters application.

Matters to be **considered before commencement of the residential development** are set out below. Full details of these are not required in the RM application. Where indicated the framework and parameters are set out in the approved documents of the outline permission.

- Tree Protection Plans (Condition 11)
- Habitat box and information board details (Condition 14)

Lighting scheme for each phase (Condition 16 Framework agreed. However, the applicants have submitted a lighting strategy setting appropriate parameters for further details)

Construction Environment Management Plan. (Condition 17)

Construction Management Plan and (Condition 18)

Archaeology (conditions 19 & 20 details agreed)

Drainage for each phase, (Condition 35 Framework agreed. However, the applicants have submitted details for the first phase of 50 dwellings at the request of TC Drainage Engineer)

Foul Sewerage (Condition 36)

Soil Assessment (Condition 38 Framework Agreed)

Waste Audit and Management Plan (Condition 39)

Matters to be **considered before occupation of the development** include:

Ecological Monitoring Strategy (Condition 15) (Subject of current Discharge of Condition application).

Completion of site access and Highway Works (Conditions 21 and 27 as approved plans)

Roads shall be built to Adoptable standard (Condition 24)

Provision of Northern Access Route (Condition 25 as approved plan)

Safe Pedestrian Routes to School - Details and Provision (Condition 26)

Travel Plan (Condition 30)

Provision of car parking (Condition 31)

Provision and specification of Countryside Access Route (Condition 34 as approved plan)

Therefore, the full details of these matters are **not** the subject of the RM application although, as indicated above, the framework and parameters are set out in the approved documents/plans of the outline permission.

The highway works are not part of this application. The outline consent granted planning permission for details of the access from Brixham Road (A3022) with proposed highway works to widen Brixham Road and alter nearby junctions. Some amendments to the design of road widening and junction works were the subject of a s73 Variation permission (P/2022/0112). The on-site roundabout and highway works are currently under construction. Implementation of works to provide pedestrian crossings and widen and raise Brixham Road are the subject of a s278 agreement, which also includes alterations to Long Road and Windy Corner junctions.

### **Proposed Development**

In accordance with the outline consent, the Reserved Matters proposal is for 373 dwellings offered in a layout and form that accords with the indicative plans and Urban Design Regulatory Framework submitted and considered at outline stage (as required by condition 2 of the outline permission). The proposal includes the provision of 112 affordable units in accordance with the outline consent and s106 agreement.

The proposed layout respects the indicative layout presented at outline stage (Urban Design Masterplan (Rev A)) with the approved access roundabout providing three arms into the site, a loop road, four residential character areas, informal public open spaces, three equipped play areas (1 NEAP and 2 LEAP's), a trim trail, allotments, a "Countryside Access Route" that runs around the site and links into a woodland walk footpath to the north and a "Northern Access Route" to provide a foot/cycle link to White Rock.

The submitted Phasing Plan (Drawing No 0758-116-3-A) proposes the following:

Phase No	Dev't Construction Timing	Development - No of Units	Total No of Units	No. of affordable units	Open Space
1	2023-2024	Loop Rd, Foot-cycle connection to toucan crossing			
1	2023/2024	Orchards (70) and small part of Walks (6)  Bus Stop Area	76	6 (AR)	NEAP Allotments Orchard Trim Trail (part)
2	2025	Remainder of Walks (131) [Includes 24 flats previously in QE]	131	66 (27 SR) (11 AR) (28 INT)	LEAP Trim Trail (part)
3	2026	Nords (54) and Quarry's Edge part (59)	113	16 (2 SR) (10 AR) (4 INT)	LEAP Trim Trail (part)
4	2026-2027	Remainder of Quarry's Edge (53)	53	24 (8SR) (10 AR) (6 INT)	Informal Park Trim Trail (part)
Total			373	112	

The layout also identifies land for the school and a pub/restaurant but does not include details of those elements of the proposal, which will need to be the subject of separate Reserved Matters applications. For information, the extent of school land is the subject of condition 33 of the outline permission and the s106 secures provision of the land upon occupation of 150<sup>th</sup> dwelling.

The built form varies from one to three-storeys high with pitched roofs in accordance with the indicative plans in the Urban Design Regulatory Plan (rev A) further to Condition 2 of the outline consent.

The 30 apartments are in two 3-storey blocks (24 and 6). The houses are in a combination of detached, semi-detached and short terraces through the scheme. Open market housing presents a mix of mostly 2, 3 and 4 bed units but also a few 5-bed units (13) and 1 bed units (20). The Affordable Housing units are a mix of 1-4 bed units.

Materials are varied through the scheme using natural stone, reconstructed facing stone, coloured render, brick plinths and panels of timber cladding. Roofs are slate and brown and grey concrete roof tiles. Stone is detailed on the principal elevations of buildings that are most visible from outside the site from the west, the south and from the roundabout access. Condition 2 of the outline consent required the palette of materials to be recessive and 25% of buildings to be stone (93). The proposal has 50% of dwellings faced with stone: 16% Yennadon and 35% Olde Heather.

All dwellings are supported by parking which is a combination of driveway, garages, courtyard and off-street facilities. Cycle storage and bin stores are provided for each property.

### **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 Brixham Peninsula Neighbourhood Plan (BPNP) and
- The Adopted Paignton Neighbourhood Plan (PNP)

#### **Material Considerations**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Published Standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report:

### **Relevant Planning History**

#### **Applications**

P/2017/1133: Outline application for residential led development of up to 373 dwellings (C3) together with the means of vehicular and pedestrian/cycle access together with the principle of a public house (A3/A4 use), primary school with nursery (D1), internal access roads and the provision of public open space (formal and informal) and strategic mitigation. The proposal includes amendments to Brixham Road, Long Road junction and Windy Corner junction. Details of access to be determined with all other matters reserved. Refused. Allowed on Appeal 26.04.2021. Subject to Legal Agreement.

#### **Ecological Mitigation Phase**

CN/2021/0073: Discharge of Conditions 9, 13, 18, 19, 20 relating to ecological mitigation works. Approved 23.12.2021.

CN/2021/0080: Discharge of Conditions 5, 12, 17 relating to ecological mitigation works. Approved 18.01.2022.

CN/2021/0086: Discharge of Conditions 11, 14, 33, 35, 36, 38, 39 relating to ecological mitigation works. Approved 18.01.2022.

CN/2021/0095: Discharge of Condition 19. Approved 17.12.2021.

CN/2021/0101: Discharge of Condition 8 relating to ecological mitigation works. Approved 07.01.2022.

CN/2022/0003: Discharge of Condition 11 relating to Highway preparation works. Approved 04.02.2022.

P/2022/0243 NMA: non-material minor amendment to condition 33 (phasing of identification of school land). Approved 08.04.2022.

#### **Highways Phase**

P/2022/0112: Variation of Appeal Conditions relating to application P/2017/1133 MOA.

Conditions: 1 - Approved Plans, 9 - Landscaping Scheme, 13 - Ecology Land Management, 14 -

Details of Habitat Boxes & Wildlife Info Boards, 21 - Works to Public Highway, 27 - s278 Agreement, 33 - Identification of School Land/Playing Fields. Approved xx.05.2022.

CN/2022/0079: Discharge of conditions relating to P/2017/1133. Conditions: 9 - Landscaping Scheme, 11 - Tree Protection Scheme, 17 - Construction and Environmental Management Plan, 18 - Construction Method Statement and 35 - Surface Water Drainage Scheme. Approved 15.09.2022 (relating to Highway Works phase).

CN/2022/0147: Discharge of conditions relating to P/2017/1133. Condition 18 - Construction Method Statement for Highway Works phase. Extension of hours of work: to 9pm on ten x weekdays and to 6pm on 13 x Saturdays. Approved 05.01.2023.

#### Residential Phase

CN/2023/0007: Discharge of conditions Condition: 15 Ecological Monitoring Strategy. Under consideration.

CN/2023/0009: Discharge of conditions Condition: 17 Construction and Environmental Management Plan. Under consideration.

CN/2023/0014: Discharge of conditions Condition: 18 Construction Method Statement. Under consideration.

#### **Pre-Application Enquiry**

DE/2022/0066: Scheme proposals for reserved matters. Design comments provided 26.08.22 and advice (22.09.22) and ongoing.

#### Related Design Review Panel

*June 2022 DRP (Pre-application DE/2022/0066):*

*Summary of key points:*

*The work presented is at a very early stage therefore comments are at a strategic level. Normally expect a second review before detail is concluded. The location ought to be able to support high quality housing well beyond the usual expected product to provide a new benchmark for the company's portfolio.*

*The firm recommendation for Design Codes was not pursued. The street-types and character areas could still be given stronger and additional definition to address fundamental observations below.*

*The RM's need to be based on a renewed and positive vision building on the achievements of ecological mitigation works and secure very best outcomes, not just satisfactory ones.*

*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.*

#### *Character and Identity*

*Character areas are not strongly or coherently established. The majority of buildings appear to be finished in render. Layout in different areas could use different plot enveloping and parking accommodation and parking/dwelling relationship. Street character and public place making is a more profound generator of character than a series of individual dwelling treatments.*

*The character areas can be variations on an overall general identity – requires a careful balance. A Design Code could achieve this and ensure later variations and alterations are in keeping (NPPF para135).*

#### *Materials*

*Pantiles and plain tiles are not typical of South Devon. Slates – will they be natural or tiles and where sourced from. Rendered surfaces deteriorate (see White Rock) how will this be prevented?*

#### *Layout*

*Pedestrian and cycle permeability needs to be maintained and clear priority made for Active Travel. Dwellings need to achieve surveillance of perimeter footpath. School land requires access from west side as well as east side.*

#### *Particular Locations*

*Site entry -family pub needs to relate to pedestrian access from south. Bus stop area and roundabout requires robust handling.*

*South West corner breaks out from hedgerow and gives views to south. The outlook over pastoral landscape should be maintained (not screened out by trees or marred by attenuation tanks).*

#### *Landscape:*

*Access for maintenance of hedgerows and mature trees needs to be considered where gardens back onto them.*

*Avenues and street trees will need space within the layout, coordination with underground services and root protection.*

*Well-designed contemporary housing needs to address climate emergency through orientation and fenestration design, insulated fabric and shading. Is renewable energy considered?*

*Hope the project reaches a successful conclusion with climate conscious and locally sensitive design in a relevant contemporary way. Aim for quality commensurate with exceptional location.*

### **Summary of Representations**

Neighbour letters were sent on 7<sup>th</sup> November 2022. Site Notices and a Newspaper Advertisement were displayed on 9<sup>th</sup> November 2022.

66 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:

- Effectiveness of flood prevention measures
- Care taken over house design will be obscured by parked cars
- Layout for cyclists and pedestrians needs to be maintained
- Landscaping green features will need to be maintained
- Spacing of buildings looks better than adjacent development
- No attempt to build green homes – no solar panels/heat pumps/water tanks to save water
- Ecological impact
- Site should provide more social housing

Reasons for objection not related to this Reserved Matters application:

- Road closure during highway works will have severe adverse impact on local residents and businesses, schools, college, emergency vehicles, tourism, fish industry
- Local utilities affected during road works
- Not appropriate location for major housing – will strangle Brixham.



- Brown field sites should be used for new housing
- Loss of agricultural land, countryside and wildlife habitat
- Number of houses will generate more cars than roads can accommodate
- Temporary road across the site is needed.
- Access should be from Waddeton Road not Brixham Road
- Roads will be over-loaded and additional traffic will increase rat-running
- Please address flooding on Brixham Road
- Contrary to Neighbourhood Plan designation
- Traffic impact counter to climate change pledges
- Effectiveness of sewerage system and flood prevention
- Medical facilities (GP's and dentists) in area are over-stretched
- New medical services needed in place of a pub
- Sewage system in the area cannot cope with more houses
- Concern over outcome of planning appeal for original application.

### **Summary of Consultation Responses**

**Broadsands, Churston and Galmpton Neighbourhood Forum:** No formal response received

**Paignton Neighbourhood Forum:** No response received

**Brixham Town Council:**  
No comments.

**South Hams AONB Office:** No objection to the proposed development. However, expressed concern over length of time of road closure and impact on traffic requiring access to Kingswear Parish.

### **Torbay Council Housing Strategy – Affordable Housing Officer**

The applicant is proposing 112 affordable units, which is just over 30% of the total. Tenure-wise these dwellings are split as near as possible on a one third social rent, one third affordable rent and one third shared ownership basis. This is consistent with Policy H2 and the section 106 agreement governing the site.

There is a good mix of house types and I am generally comfortable with the clustering of the affordable units across the site. The affordable apartments may be better suited across two distinct blocks. However, if effective management arrangements are in place, then one block is acceptable. I would propose a specific letting plan for the apartment block to be agreed between TC Housing and the Registered Provider. This could be added to the Affordable Housing Statement for clarity (NB no need for this to be conditioned).

Accessibility Standards: Policy H6 and the s106 stipulate that 5% of the affordable dwellings shall be adapted dwellings and this is re-iterated within the Affordable Housing Statement. It is not clear which units are proposed as adapted dwellings and we would welcome further input within the detailed design stage to review and clarify these requirements as per the s106.

A schedule of Adaptable units was submitted.

### **Reconsulted 13.02.23**

Response received 24.02.2023. The applicant has provided an adapted housing schedule (0758-102B) within submission documents and identified within the revised plans (0758-112-1/2

B). This provides for adapted 19 dwellings which is just over 5% of total dwellings and therefore compliant with Policy H6.

### **Ecology Advisor (Devon County Council)**

Received 09.12.2022.

Required further information regarding i) hedgerow to west of school land, ii) the extent of buffers for the dark corridors (bat flight zones) iii) extent of light spill to meet 0.5lux criteria from internal and external sources, iv) a CEMP will be required - shall include details of ecologist watching brief during habitat clearance and tree protection measures, v) wildlife habitat info (bat and bird boxes and information boards to be provided (required prior to occupation by Cond 14 of outline permission) and hedgehog boundary gaps in a boundary plan, vi) a CB and GHB monitoring strategy will be required (prior to occupation under Cond 15 of outline permission).

Reconsulted. Revised comments received 01.02.2023. No objection. Hedgerow to west of school is adequately detailed on the submitted Landscape Plan (Ref. Public Open Space P22-1449\_EN\_002\_11-A). The submitted lighting strategy sets parameters that accord with what was agreed at outline stage. I am happy with this and look forward to commenting on conditions 16 (Lighting), 17 (CEMP), 14 (Habitat Boxes and Information Boards) and 15 (Ecological Monitoring strategy) when they come in for discharge.

### **Natural England**

No objection subject to lighting scheme. The submitted LEMP is consistent with the principles established in the Framework LEMP (March 2018) further to condition 8 of the outline decision. However, further information is required - lighting contour mapping (0.1lux intervals) including vertical plane and sample intervals of 200mm on an OS map backdrop. (These to be addressed through discharge of condition 16 of the outline permission).

### **Historic England**

Advises seeking the views of your specialist conservation and archaeological advisers and to refer to HE's published advice.

### **Historic Environment Advisor (Devon County Council)**

No objections or archaeological issues.

### **Highway Authority (Swisco)**

Received 14.12.22

Details of site access, trip generation and impact on highway network capacity have been reviewed by the Highway Authority and approved as part of the outline planning permission (P/2017/1133) and Variation of condition application (P/2022/0112).

Car parking requirements of 2 spaces per house and 1 per flat result in requirement for 722 spaces - 926 are provided (garages and open spaces) including 81 visitor spaces. Electric Vehicle charging points are required. Garages must meet dimensions set out in Appendix F of the TLP. Details of cycle parking will need to be secured for houses and flats without garages.

The submitted refuse management plan, swept paths and road adoption plans are acceptable.

Pedestrian and cycle routes connect to existing networks on Brixham Road including a toucan crossing and three uncontrolled crossing points.

Reconsulted on revisions received Jan/Feb 2023.

Reconsulted 13.02.2023. No further comments received.

**Green Infrastructure Manager (Swisco) Arboricultural Officer:**

The Tree Report (EV 377-4-1 AMS) is satisfactory. Recommends a compliance condition for the report and associated documents that it refers to (eg Tree Protection Plan).

The landscape scheme appears to cover the Public Open Spaces and roadside with detail for the individual plots is to be considered in due course. [These are in the Character Areas Landscaping Plans].

In principle there are no overriding objections. However, concerns are raised over the potential for the street trees and trees in areas of hard standing to become fully established and fulfil their life expectancy. Recommends a Tree Method Statement for street trees.

Detail will be required on the necessary engineered underground system that will be suitable and sufficient to accommodate the necessary rooting volume to allow the roots of the trees to exploit and a programme of establishment for 5 years that will ensure the planted stock is maintained and that any dead, dying or diseased stock is replaced. (in addition to the Landscape Environmental Management Plan).

Swisco have commented that if Council collection and maintenance services are to be used, standard litter bins and benches should be installed with a general principle of 'less is more' with a strategic approach to bin placement.

**Landscape Consultant**

The Appeal decision accepted a degree of landscape and visual impact on the local and wider landscape and setting of the South Devon AONB. The conditions on the consent included a suite of measures to mitigate the effects as far as possible: sensitive lighting, materials, layout, building heights and tree planting. The lighting strategy principles will need to be practically applied in the detailed lighting scheme (to be submitted further to condition 16 of the outline consent) with designs that provide safe highway lighting and do not affect deliverability of street trees. The external building materials to be used in the key areas are in muted or neutral tones. The colours of brick and how they will be applied to the dwellings/retaining walls will need to be clarified (bright red and black not suited to whole houses and high retaining walls). Sample panels of all façade materials should be secured through condition. The variation and texture of the proposed height, materials and layout contribute to a sensitive pattern of built form on the edge of Paignton. The updated photomontages show noticeable improvement from the outline stage. The reduction in street trees in Orchards and Nords results from practicalities of service strips for adoptable standards although some trees have been introduced on islands to break up the street scene. Planting within gardens of suitable species may be considered instead, although their long-term retention cannot be secured. Generally, tree species selection is good. Further to Arboricultural Team comments, the establishment of the trees (watering and protection/guards) will be key to success of landscaping. Question reinforced safety surfacing and recommend a more durable bound rubber. The submitted LEMP is acceptable subject to securing a time-schedule for management of the phases of the site, replanting of lost plants, a 15-year review, details of hedgerow laying and repair/replacement of damaged/faulty play equipment.

**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. Comparing the adoption plan with the refuse strategy there are plot specific comments.

- i) Several collection points are shown as set back from the proposed adopted highway or on unadopted shared driveways. Residents need to put containers next to the adopted highway for collection so that collection vehicles can pull up alongside them.

- ii) Flats with shared bins the access between the adopted highway and the bin stores will need to be level with no steps as the bins will need to be wheeled to the vehicle and back to the store. A dropped kerb and level surface will be needed. Information of proposed stores and space available would be useful. Details of recycling and maintenance of bin stores should be provided before scheme is operational. Details of Management Committee/Company requested in case of collection problems.

#### Reconsulted

Response received 27.02.2023. There are a number of plots with collection points on private land. These would need to be repositioned adjacent to the highway.

#### **Drainage Engineer (Torbay Development Agency):**

25.Nov.22 - Requested additional information on surface water drainage for the houses, results of infiltration testing, manhole schedule, infiltration for permeable paving areas. Information should be provided prior to determination.

Reconsulted 13.02.23 Response received 24.02.23.

1. The surface water drainage for the first 62 properties on Phase 1 of the development have been designed in order that there is no risk of flooding to properties on the site or any increased risk of flooding to properties or land adjacent to the site for the critical 1 in 100 year storm event plus 40% for climate change. Drawing number 40-18 revision 2 shows the surface water drainage for this section of the development (Plot Nos 1-56 and 100-105).
2. The developer is reviewing the surface water drainage design for the remaining 14 properties in Phase 1 of the development. Originally the developer proposed that surface water run-off from these properties would discharge to porous paving however, the developer is now proposing that the surface water run-off will discharge to soakaways. Infiltration testing in accordance with BRE365 have been carried out at the proposed soakaway locations and the developer is finalising the detailed design. The detailed design is due to be submitted next week and I will provide a consultation response to this design before the planning committee.

Based on the above comments, I can confirm that I have no objections on drainage grounds to planning permission being granted for the first 62 properties on Phase 1 of the development. I can confirm that the highway drainage serving the roads in Phase 1 is acceptable. Infiltration testing for the permeable paving areas of Phase 1 (14 units) are under review.

#### **South West Water**

South West water has no objection subject to the foul and surface water drainage being managed in accordance with the submitted drainage strategy.

#### **National Grid**

There are no National Grid assets affected in this area. If you would like to view if there are any other affected assets in this area, please raise an enquiry. Additionally, if the location or works type changes, please raise an enquiry.

#### **Climate Emergency Officer**

Questions working to part L Building Regs 2013 and not the latest update (June 2022). Is this to do with when the outline permission was granted? If not then they need to work, as a minimum, to 2022 standards.

Noted that in the report solar thermal and solar PV are recommended but don't appear in the final design (SAP reports). Policy ES1, as part of the energy hierarchy, requires the consideration of renewable energy. I would like to understand more why properties are not installing solar.

Also noted that gas boilers are also proposed in all homes. Nationally these are being phased out from 2025 in all new homes built and from 2035 you will no longer be able to buy gas boilers. Therefore, installing such technology now risks the home owner having to retrofit their home (at some cost) when these gas boiler break (~10yrs). If it is not possible to install heat pumps now, then can the homes be net zero carbon heat ready as per the forthcoming Future Homes Standard (coming 2025 for new homes)?.

Reconsulted on Revised Energy Statement (submitted on 17.Feb 2023). Welcome reference to updated Regulations and proposal to use renewable energy sources. No objection subject to condition securing details of renewables.

### **Police Designing-Out Crime Officer**

Requested conditions over gates to private rear gardens being lockable from both sides, gates to be flush with building lines to prevent unnecessary recesses, access control and visitor door entry systems to be installed to the flats to allow residents to grant entry from their own property.

Raised design queries over surveillance of play area locations especially unit 261 and the Nords play area and kick about area and the allotments due to distance and vegetation screening.

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.

Structure – places should be structured so that different uses do not cause conflict.

Physical Protection – rear boundary treatments height of 1.8m welcomed. They must also be robust. Where surveillance is required (eg around parking courts) reduce height to 1.5m with top trellis of 0.3 or 0.6m.

Rear hedges (eg plots 1-14) must also be robust to deter unauthorised entry and provide year round deterrence. While establishing, hedges should be reinforced by temporary (e.g. wooden) fences.

Access gates to the rear gardens are to be the same height of the rear boundary treatments of 1.8m. These also must be robust in construction and be lockable from both sides by means of a key for example. Recommend this is secured by condition in the interest of reducing and preventing crime and the fear of crime.

Where shared rear access footpaths are proposed, the entrance should be as near to the front of the building line as possible to prevent unnecessary recesses.

The gates to the maintenance corridors/ecology buffer zones should be lockable to prevent unauthorised access into these areas and to preventing access down the side and rear boundary treatments of the rear gardens.

Recommend a condition is in place for a door entry and visitor system at communal door entrances to the flats (plots 106 – 129 and 305 – 310). The use of a trades person or timed release lock would not be supported by the police due to evidence of anti-social behaviour and unauthorised access associated with these.

Recommend a communal mail delivery system is installed into the lobby area of the flats or externally at the front of the building. It should be robust in construction, the individual box maximum aperture size of 260mm x 40mm with anti-fishing properties.

Parking – Sufficient parking is important factor. Garages should not be used as habitable rooms. Tandem parking should be avoided as tend to not be used resulting in parking

elsewhere. Communal parking should be lit to BS5489-1:2020. Discourage low level bollard lighting in parking courts.

Foot and Cycle ways – recommend phasing of footpaths during construction to avoid underused isolated routes. If lit should have good levels of natural surveillance. Planting should be low level adjacent to paths and taller plants to the rear. Planting needs to be carefully selected and maintained to not impede natural surveillance. Landscaping management plans should reference the maintenance to not contribute to crime, fear of crime and Anti-Social Behaviour.

### **Other Consultees**

The following were consulted and did not respond:

Devon County Council Minerals and Waste, Dittisham Parish Council, Dartmouth Town Council, Kingswear Parish Council, Stoke Gabriel Parish Council, Wales and West Utilities, Sport England, Environment Agency, Devon Wildlife Trust, Torbay Coast and Countryside Trust, NHS, RSPB Regional Office, Council for British Archaeology, Torbay Local Access Forum.

### **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 373 dwellings pursuant to planning permission P/2017/1133. This has established that the principle of 373 dwellings served by an approved detailed access arrangement from the Brixham Road is acceptable. This Reserved Matters application is solely to consider the Layout, Scale, Appearance and Landscaping of the residential development.

In terms of relevant matters of principle, the proposed development accords with the outline consent with regards to layout aligned with the indicative masterplan, considered at outline stage, and served by the access that was approved at outline stage.

Subject to ensuring that the proposal provides an acceptable form of development, in terms of suitable design, a good quality living environment and one that provides adequate amenity levels, 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 ecology and landscape considerations due to the site's location with regards to protected species habitats and the South Devon AONB. As concluded within this report, there are no ecological or landscape 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.

Due to the reasons stated above the principle of residential development on this site has been approved by the Secretary of State's Planning Inspectorate in consideration of the Torbay Local Plan, the Brixham Peninsula and Paignton Neighbourhood Plans and the National Planning Policy Framework.

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

The NPPF states (Paragraph 126) that development should aim to achieve the creation of high quality, beautiful and sustainable buildings and places and further sets out 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 SS11 (Sustainable communities) and DE1 (Design). 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.

Further policy context design outcomes are also prominent within the Brixham Peninsula and Paignton Neighbourhood Plans with BH5, BH6, PNP1 (Area Wide), PNP1(a) and PNP1(c) including reference to enhancement of local identity, citing the importance of development responding positively to its context, identifying the importance of strengthening local identity, and both Plans express the importance of sensitive development within a rural context.

### **Layout**

In terms of the layout the proposal is respectful of the outline approval and follows the layout presented in the previous indicative masterplan Urban Design Framework (Stride Treglown, March 2018 Rev A) as required by condition 2. The basic principle of a roundabout access with two on-site arms feeding a 'loop' road with smaller roads feeding four separate character areas accords with the indicative Masterplan layout.

The roundabout provides the entrance to the site. the bus stop is positioned adjacent to the roundabout and is accessed from the southern arm and egressed onto the western arm of the roundabout.

In terms of the detail, the layout presents varied building lines and frontages around the loop

road, which include features that identify the characteristic materials of each of the four areas. These elements present lower density areas to the north (Orchards) and south (Nords) of the site and higher density in the central sections (Walks and Quarry Edge) in the centre of the site and to the eastern side.

The form of development is broken up by a series of hedgerows, hedge-banks and public open spaces that perform a variety of functions including a public orchard, allotments, formal play space, a countryside access route, a trim-trail and water attenuation. House orientations and window positions have been adjusted to enable natural surveillance of the public spaces.

Pedestrian routes from the east run through the site, around the south and western edges on the Countryside Access Route. There are footway links to the school site and to the north to link with the day-to-day services provided at White Rock centre. A cycle route runs from the toucan crossing, into the site and joins the Northern Access Route to connect to White Rock.

Parking layouts have been accommodated onto the Masterplan scheme with parking spaces positioned next to the properties they serve. The number and scale of parking courts has been reduced from initial designs. Where they exist the layouts have been simplified, enclosed and overlooked by the host properties.

The layout is in accordance with the approved outline Urban Design Framework and is considered to be acceptable and is supported.

### **Scale**

The development follows the outline proposals and keeps development at domestic scale. All buildings are one, two or three storeys with pitched roofs, with some having rooms within the roof form (i.e. 2.5 and 3.5 storey buildings).

Building heights conform with the building heights set out in the UDF. The land rises to the northern end of the site and the submitted site sections demonstrate the relative heights of land and proposed buildings.

The higher buildings are in the middle of the site towards the east (towards Brixham Road) and lower to the western edges. The western borders are two-storey with hedgebanks screening the lower floors of the buildings. Therefore, the roofscape is significant when viewed from outside the site from the west and south.

The colours of roof and wall materials (see materials palette) have been chosen to tone with the landscape. The soil in the site has a characteristic red/brown hue typical of the area. Local bedrock includes red sandstone and grey stone (limestone). The proposed stone materials are considered to have suitable colours. The renders are in landscape colours (beige, sand, red/brown and pale green around the edges of the site). The colours are recessive to reduce the buildings' visual impact in the landscape. The roof tiles are grey and brown. Off-white render is used more in the centre and eastern part of the site.

Landscape VIA views have been updated to show the proposal. Some amendments to materials for the units on the western edge of the Walks area have been made following the LVIA updates.

### **Details of the lighting**

Condition 16 of the outline permission requires a lighting scheme to be agreed prior to above slab level development. Therefore, full details are not required under this RM application. The Framework Lighting Scheme and the Ecological Addendum approved in the outline permission will be used in the design of the lighting scheme for the development the subject of this RM. This includes a Dark Sky Area to the west, south and north of the site and lux limits of 0.5lux



in certain areas. The Framework scheme included Lighting columns a maximum of 4m high where visible from AONB with the lights angled downwards in order to minimise the impacts of the development on the landscape.

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

### **Appearance (form and materials)**

The development presents a 'character area' concept, which has evolved from the outline scheme in the Urban Design Regulatory Framework. In response to the rural context; the aim has been to divide the scheme into smaller pockets of development and to use styles and materials reflective of the surrounding area. The wall colours are recessive on those buildings around the edges of the site and the window frames/soffits are in soft or dark colours to lessen the visual impact from longer distances and from nearer views from outside the site.

In the area of the site access, the built form of Quarry's Edge and Walks areas are set back from the road and edged with tree and shrub planting. The bus stop area is also set back from the roundabout and separated from the apartment building in the Walks area by a stone hedge-bank and planted landscape strip. The northern side retains the existing hedgerow and large oak tree with a landscaped apron. The developer has agreed to retain and reuse the stone from the gate piers from the previous field entrance to make a feature at the site entrance. It is recommended that an appropriate location and design for this feature are secured by a Condition.

### Materials

Condition 2 of the outline permission requires 25% of buildings to feature stone. The Materials Layout plans (0758-108-1Rev A and 0758-108-2Rev A) show the key wall materials are stone, reconstituted stone and render.

The proposed stone is Yennadon stone (shown by an emerald green circle icon), which is durable and coloured grey with reddish brown tones. This material would feature on the walls of buildings around the access roundabout in the Walks and Quarry Edge areas and in the western elevations of The Orchards. This wall material is mostly combined with slate materials (blue triangle icon) on the roofs to achieve the appearance of many of the buildings in nearby rural areas, including the AONB. This combination is used where the buildings would be visible from the site entrance (from Brixham Road) and from Waddeton Road to the west. At the site access the loop arm leading south runs between three storey houses. Where these buildings face onto the roundabout they are shown as natural stone with render sections. Further into the site, reconstituted stone is combined with render of off-white and various landscape colours.

The reconstituted stone (shown by a mid-grey circle icon) is proposed as Blackamore Old Heather, in a light grey colour. The texture is pitched with a natural appearance. It is recommended that the colour is agreed following submission of samples to be secured by condition. The render colours are proposed to be pale but muted (sand, grey, beige and pink) and small feature panels in terracotta and pale green. These colours are considered suitable for the context and to blend with the tones of the landscape.

The roof materials are shown as artificial slate, grey concrete tiles (purple triangle) and brown tiles (brown triangle). The slate and grey tiles are considered appropriate. The brown slates are a replacement for terracotta and are commonly used in the area (eg Steed Close) and reflective of the landscape colour. Therefore, the roof materials are considered to be acceptable.

Some of the house types, mainly in the Walks and Quarry Edge areas have panels of cladding.

These will be required to be timber. The colour is indicated as a grey shade. Submission of samples of all the proposed external materials can be secured through condition and this is recommended.

The buildings use different materials and colour combinations within the overall palette to distinguish between each of the four character-areas. Different plant species and boundary treatments in the public realm are also used to differentiate the four areas. The main features of each area are described below.

#### Orchards:

Sited at the north of the site, the Orchards area is adjacent to the community orchard and allotments. The properties are detached, semi and terraced houses.

The main wall materials in this area are natural stone and reconstituted stone. Some roofs on the western edge have concrete tiles (brown and grey). The windows and fascias are cream. The properties are well-spaced with a shared road surface and rumble strips marking entry, exit and calming features.

A grassed area runs across the eastern end and is overlooked from two sides by adjoining properties. This grassed area softens the entry point to the site from the allotments and the toucan crossing (over Brixham Road) and acts as a pedestrian link to the west of the site, the NEAP and the Northern Access Route.

Landscaping proposals feature retention of the existing hedgebanks, planting of fruit themed trees and flowering shrubs and bushes. This area includes amenity areas, trim trail areas and the NEAP (ages 2-14yrs) and MUGA, which is to be fenced with metal railings. Details of fencing and play surfaces for these areas can be secured through a condition and this is recommended.

#### Walks:

This character area comprises the central and western edge of the site in two areas separated by an existing hedge-bank and the loop road with its avenue of lime trees..

The area comprises two-storey houses and a three-storey flatted development (24 flats) with a parking court to the rear. Materials for the apartments are natural stone, with warm-white render panels and feature panels in pale green and earth red with slate roofs and dark grey windows and fascias. The wall materials of other dwellings are principally render with concrete tiled roofs. The render colour of off-white is the principal one with some Olde Heather stone and two feature houses in pink at the south end and a cluster of "brick" in the centre. The buildings on the Western edge have been amended to a soft earth colour render in response to Landscape Consultants comments, to ensure they soften the appearance of the built form on this edge of the site.

In the central area the apartment building is set back from the loop road behind the linear public open space that runs from the bus stop down to the school site via a LEAP play area and seating area. This open space is partly framed by stone banks and garden hedges. Details of fencing and play surfaces can be secured through a condition. The apartments overlook the open areas from small patios/balconies. The spaces are also surveyed by the houses on the other side of the loop road (in the Quarry's Edge area).

The western part is divided into two by the loop road and comprises a collection of mews and lanes featuring short terraces, semidetached and occasional detached houses. This area is contained by hedgebanks to the north, west and south and comprises six blocks with the houses facing outwards with gardens behind and some with rear parking areas but the majority having parking to the front or side of the property. Plot frontages are mainly defined by low

hedgerows (1.2m).

Houses along the western edge of the development are positioned to provide natural surveillance of the Countryside Access Route and paths that link to it. A SUDS drainage route has been designed as a swale feature running from the centre of the site to the western edge with crossing points edged with natural stone walls and a pedestrian path, which links to the Countryside Access Route.

#### Quarry's Edge:

Quarry Edge comprises the eastern part of the site, bounded by the loop road and access roundabout to north and west sides, Brixham Road to the east and the hedge-lined southern boundary of the site.

This area is higher density, with four main blocks. The layout shows a loop with culs-de-sac leading off: one with a central tree planter, one wrapping round to front Brixham Road and a further loop in the south corner.

The buildings are two and three storeys in detached, semis and short terrace forms. There is a one small block of six apartments. This block and the terraces facing the roundabout access are proposed to be finished in natural stone with slate roofs. The buildings facing the loop road and Brixham Road are principally finished in reconstituted stone near the roundabout and render in warm-white further south. Within the centre of the area the wall materials would be render in varied warm colours. Pale green is used on some houses on the southern boundary.

Tree planting would be limited to a few street trees within the area. However, planting around the edges would include limes along the loop road, hornbeam and silver birch facing Brixham Road and bird cherry and field maples on the southern edge. Plot frontages would be defined by shrub planting and along the loop road by low laurel hedging. In addition, an informal pocket park on the southern boundary would retain existing mature trees and link to the pedestrian route in the south east corner of the site (Hunters Tor Drive junction).

#### Nords:

This character area is at the south end of the site. The area is low density, comprising two blocks with gardens behind. The lane between the blocks is a shared surface with a stone-banked open space and layout that aims to reduce vehicle speed.

The eastern end of this area contains a LEAP, an adjacent kick-about space, and part of the Trim Trail. This open space is overlooked by neighbouring houses and connects to the pedestrian network. The area is enclosed within hedgebanks with an enhanced height and depth of bank on the southern edge, which is planted with young trees and hedge plants.

The housing types are mixed with one and two-storey detached and semi-detached buildings. The walls are in warm coloured renders. Fascias and windows are pale green and the roofs are concrete tiled. The buildings have ridged and hipped roofs, some have gabled dormers. The roof planes pitch down towards the hedge-banks. The dwellings are interspersed with single-storey garages and on a varied building line. This aims to present a varied and organic roofscape. The property frontages would be defined by hornbeam hedges.

#### Overall

The proposed layout, scale, form and materials, are considered to present a form of development that acknowledges and responds to the rural context and positively address local distinctiveness in this edge-of-settlement location.

In terms of other elements of the built form, the mixed use of estate railings, stone banks, hedgebanks, hedges, and walls to define public and private spaces is considered adequately

resolved and contextual. However, details of hard landscaping materials are recommended to be secured by condition.

With regards to materials, these are considered appropriate. Natural stone is to be used on the buildings that face the AONB and the site entrance. Reconstituted stone, which uses recycled natural building materials and has a natural appearance, would be used throughout the site. The proposed roof tiles in terracotta have been amended to brown-red in line with the expectations of Policy BH6 of the Brixham Peninsula NP and Policy PNP1(c) of the Paignton NP. It is recommended that samples (panels) of the materials are provided prior to above ground development via a materials condition.

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, Policies BH5 and BH6 of the Brixham Peninsula Neighbourhood Plan and Policies PNP1, PNP1(a), PNP1(c), of the Paignton Neighbourhood Plan.

### **3. Landscaping and Public Open Space**

Landscaping is a key component of placemaking and in a rural context is an important element of character, as highlighted within the NPPF (Chapter 12, Achieving well-designed places), as part of the drive towards delivering visually attractive development that 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 E1 of the Brixham Peninsula Neighbourhood Plan expects development that impacts on the OANB to demonstrate that great weight has been given to conserving and enhancing the landscape and not harm dark night skies and tranquillity.

The proposal includes submitted landscaping schemes for each character area and for communal open spaces and play areas. The layout plan and facilities are in general compliance with the Urban Design Framework and Regulatory Plan as approved at outline stage.

#### Views from outside the site.

The site sits in the context of the AONB and countryside area of Torbay. The visual impact upon the agricultural setting has been assessed. The development features retention of existing hedgerows and the mature trees within those hedgerows. Ecological Mitigation works undertaken further to the outline permission include creation of new hedgebanks and planting of them with locally native hedge species. Fields to the south west have been planted as woodland meadow (0.7Ha) with stands of native deciduous and conifer trees. The Farming Practices Plan for the land to the west of the application site (subject of the S106 Agreement) includes grazing for cattle to maintain habitats for Greater Horseshoe Bats and planting of seed crops for curlew buntings. These fields are to be maintained as a dark corridor for ecological

reasons and also to reduce the impact on views from the AONB from the west (Dart Valley and plateau beyond). The groundworks and planting have been inspected and found to be successful subject to replacement of failed plants (less than 10%) in the next planting season. The community orchard (0.4Ha) has been planted at the north end of the site introducing a landscape planting type common to the Brixham Peninsula.

The RM application proposes four new cuts through the existing hedgerows for the loop road to pass through. These were agreed in principle in the outline Urban Design Masterplan Rev A and Urban Design Regulatory Framework. (Details of these works will be the subject of a CEMP under condition 17 of the outline planning permission – separate from but in accordance with this RM application).

Tree planting within the site includes an avenue along the loop road and different species of street tree in each area: flowering fruit trees in Orchards, Lime (Linden) in Walks and Quarry Edge and Acers, Lilac, Amelanchier and Beech in Nords. Many of these would develop substantial canopies and contribute to the screening of the development when viewed from outside the site. These species are appropriate to the setting where orchards and copses are characteristic elements of the landscape.

The landscaping proposals for the Brixham Road frontage of the site includes replacement and realigning of the hedgerow on either side of the roundabout access and tree planting (hornbeam and silver birch) along Brixham Road to screen the housing in the Quarry's Edge area.

#### Views from the AONB

The AONB is present around the site in a primary arc of around 140 degrees from the south east to the west. The impact is most notable when viewed from the south and south east (Viewpoints 8 and 9 of the LVIA ) The most visually sensitive outer edge is the western/south western aspect facing Dittisham and Dart Valley. As mentioned above (in the Scale and Appearance section of this report), the use of stone and amendment of the render to an earth tone on the westernmost units aims to minimise the visual impact. The proposed tree species include those with large canopies that will in time soften the roofscape and contribute to the appearance of the development in addition to the recently planted woodland pastures and hedgerows around the site.

Taller units in the south west of Orchards area (two and a half and three storeys) are faced with natural stone and have slate roofs. The receding colours, landscape tones and natural textures work towards minimising the impact of their built form when viewed from the AONB to the west. The height of these units would screen much of the impact of taller street lamps in the roundabout area (which need to meet highway standards) on the dark skies of the rural area. The views from the AONB to the south east are demonstrated in the LVIA updates. The materials and colours used in the Nords area and large hedgerow bund present a soft edge to the development from this aspect. Three storey buildings in the Quarry's Edge area are set off the southern boundary.

The lamp columns within the site, away from the roundabout, would be a maximum of 4m high and comply with parameters set out in the submitted Lighting Strategy (A Tulla). Full details of lux levels, fall-off and light fittings will be provided further to condition 16 of the outline permission, which requires these details before development above slab level. The DCC Ecologist has confirmed that there are no objections to this approach.

#### Views out of the site

Vistas from the site would be afforded from the north west (west side of Orchards) to the west across farmland and over the Dart valley to the AONB and from the south west of the site, at a point on the loop road between Nords and Walks, looking out to medium and far distant views

of rolling landscape of the AONB along the River Dart. These points are both along the Countryside Access Route.

#### Views within the site

Planting around the site access roundabout aims to screen the nearest buildings, which are set back behind landscaped aprons with limes (*Tilia cordata*). Tree planting within the site includes an avenue along the loop road. Each character area combines native and ornamental species as described above (Character Areas).

Retained Devon hedge-banks and swathes of native and ornamental shrub planting form the framework for the public realm and contain each character area.

#### Communal Open Spaces

The proposal includes various open landscaped areas:- linear pockets of informal public open space, planted with trees and shrubs with benches and trim trail stations.

More formal elements include a NEAP, a MUGA, two LEAPs, a grassed kick-about area, a central avenue and, in Quarry's Edge, a pocket park. The communal orchard has been planted and the allotments are included in Phase 1 of the residential development (see Phasing Plan). These are all positioned and equipped in accordance with the outline permission.

The combination of landscaped spaces and linking routes would provide a pleasant and high-quality environment for the residents, visitors and people using the Countryside Access Route as well as creating an amenable setting for the school site.

The proposed landscaping is considered acceptable and offers substantial softening of the built form and positively influences a rural character to the scheme.

The scheme 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 Policies of the Neighbourhood Plans.

## **4. Heritage Impacts**

The site does not contain listed buildings and is not within the boundaries of a designated Conservation Area. However, there are two designated conservation areas nearby: Waddeton Village, which include some Grade II listed buildings (LBs), and Galmpton, to the south-west and south of the site respectively. There are twelve Grade II LBs located within 1 kilometre of the site, eight being in or close to Waddeton. Another of those LBs, Turnpike Cottage at Windy Corner, is located within 500 metres of the site to the south-east but is significantly separated from it with restricted intervisibility.

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.

The Heritage aspects were considered at outline stage by the Appeal Inspector. The site is noticeably separated from the CAs but forms part of the wider setting of the Listed Buildings. From the CAs, particularly public vantage points, the proposed development would be largely screened from view by intervening topography and vegetation, and so intervisibility would be limited. There is a significant degree of separation between the CAs and the site, with intervening open countryside maintaining the characteristic rural setting. This would be apparent both from within the CAs and also from more distant vantage points to the south and south-west where the CAs and the site would be seen within the same views. The proposed development would be likely to be seen to varying extents from non-public land including some of the LB's. However the degree of separation and extent of intervening countryside would minimise any impact on their setting and their rural character and setting is largely retained, with the surrounding green fields reinforcing the relationship between the villages and the rural hinterland and ultimately how it is experienced as rural buildings and villages. 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 on those parts of the site closest to the heritage assets.

There will be an inherent urbanising impact from the development. However, the scheme is considered well-resolved within the parameters set by the outline permission, the approved Urban Design Framework and implemented ecological mitigation measures. As a result, 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 373 dwellings, of which 122 will be affordable and 19 will be adaptable, 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 spaces, allotments and an orchard where there is currently none in the vicinity and enhanced public transport infrastructure. Overall, these public benefits are not insubstantial. Officers are also mindful that the principle of housing has been approved at outline stage, 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 and open space provisions**

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 a good level of amenity for future residents.

The development proposes a variety of house types from 1 bed flats and bungalows to 2.5 storey 4 bedroom and some 5-bedroom houses. 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 and landscaped borders/front garden areas. 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 the houses and flat types overall meet the minimum national internal space standards that are set out in the Development Plan (Policy DE3 Table 23) and support the concept of producing, in the round, a good level of amenity for future occupiers. Amended plans were received to the Alnmouth house-type (Plots 96 and 97) to two- person units to ensure these dwellings meet the required standards.

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

#### Parking:

All houses have at least 2 off-street parking spaces or 2 assigned spaces within courtyards or within parking runs immediately adjacent. The 30 apartments have 1 assigned space each and there are unassigned visitor spaces within the streetscape. This level of provision accords with the standards expected in the Development Plan. Most dwellings also benefit from a garage or car port as an additional space that would be available.

Details of Electric Vehicle Charging Point locations have been supplied on Drawings 0758-120-1 and 0758-120-02. are required to be submitted with the RM application further to condition 28 of the outline permission. Appendix F of the Torbay Local Plan requires 1 point per new house and 20% for flatted developments. The applicants have agreed to provide the cabling for EVCPs to 7kWh at plan compliant levels. The flats are required to have 20% of spaces provided with a charging point. -ie units 106 to 129 (24 spaces) will require 5 generic charging points. The flats at units 305-310 (6 spaces) will require 2 points (1.5 rounded up).

Occupants will wish require charging sockets boxes compatible with their own vehicles. The specifications for the sockets have not been provided. This is a rapidly-developing technology and some compatibility issues remain. Therefore, it is recommended that a condition secures the details of the sockets to be provided by phase and be installed prior to occupation.

#### Waste storage

Waste storage is detailed for dwellings within the terraced arrangements and houses without garages which will guard against unnecessary street clutter. All other dwellings offer sufficient



access to garages or gardens for waste storage potential. The flatted units have identified bin storage areas and level routes to collection points on adopted highway. Collection points are shown on the Refuse Strategy Plans and there is adequate space for the number of bins at points adjacent to the highway. The final locations are recommended to be confirmed through condition.

#### Cycle Storage:

Appendix F of the Torbay Local Plan expects dwellings to be afforded with 2 cycle parking spaces each and flats with 1 space each. Cycle parking will be provided in accordance with local parking policy however the layout plans do not offer detail. Where dwellings have a garage as a third space the facility is considered adequate to be considered as providing cycle parking possibilities.

Elsewhere details shall be sought on the location and form of cycle parking to meet the standards above. Each house has a private garden area to the rear where storage sheds could be located. It is recommended that details for these are secured through a condition.

The 24 flats in the Walks area (Units 106-129) are indicated as having semi-vertical cycle racks at ground floor level: one for 18 cycles below the staircase and six more in a separate store. The spaces are adequate. The six flats in the Quarry area (Units 305-310) are shown as having a separate ground level store with adequate space for six cycles. Details of the racks and security for the doors can be secured by condition and this is recommended.

#### Amenity Areas:

The houses have private gardens of reasonable size for the respective dwelling. The flatted units are three storeys high and the ground floor units have small patios and a 3m deep semi-private garden area on the frontages (east, west and south facing elevations). The upper floors have small balconies. The public open space adjacent to Units 106-129 has been separated from the bus stop area by a stone bank and semi-contained landscaped area grassed and planted with trees. The Quarry's LEAP (fenced) is located just to the south together with a seating area. These provisions are considered to provide a pleasant level of amenity for the flats. The 6 flats in the Quarry Area (units 304-310) have small west and south facing patio/balconies and are adjacent to the informal pocket park which also has footway links to the Nords area LEAP and kick-about area.

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.

#### Play and Open Space

The outline permission required the provision of a range of public open spaces throughout the site. These are shown on the submitted site layout plans and the phasing plan to be provided with the phasing of the housing development. Much of the countryside access route has been installed. The loop road and cycle path are to be built as Phase 1. Provision of the Northern Access Route is subject to conditions and s106 obligation to be implemented before first occupation.

The orchard, allotments, NEAP and MUGA and parts of the trim trail are proposed to be provided as part of the Orchards area (in phase 2). The Northern Access Route is required to be provided before the first occupation of the site (i.e. first occupation of Phase 2). The LEAP identified as the Quarry Edge LEAP would be provided in Phase 3 with the majority of the Walks area. The Nords' LEAP would be provided in Phase 4 and the Quarry Edge pocket park in Phase 5. Maintenance of these areas is to become the responsibility of the Management

Entity (further to the s106 agreement). Completion of the open space provisions in a timely manner, including the trim trail, and maintenance of all these areas can be secured through a condition.

### Adjacent Occupiers

The site does not directly border residential properties with the nearest dwellings sited cross the Brixham Road. Due to the distances and natural separation afforded by Brixham Road to the east and the woodland buffer to the north, the development will not impact the amenity of adjacent occupiers. Construction impacts will be duly managed through Condition 18 of the outline consent, which requires a Construction Management Plan for each phase 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 vehicle access into the site was approved at outline stage for the amount of development approved and is not considered as part of this reserved matters application.

### Pedestrian Connectivity

The outline proposal established the need for a pedestrian/cycle route linking the development towards White Rock to the north and White Rock Primary School/ Steed Close to the east.

The scheme involves a continuous pedestrian route along the edge of the site from the noncontrolled crossing to Hunters Tor Drive, along the southern boundary of the site and via routes through and/or around the edge of the development to the school, the bus stop and northern access route to White Rock and the toucan crossing on Brixham Road which leads to White Rock Primary school, residential areas to the east and further afield into Paignton.

The routes through the site are reasonably direct, naturally overlooked by 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 areas, trim trail, communal orchard, and countryside access route. Highways works established at outline stage will also improve connectivity across the Brixham Road for existing residents and future occupiers of the development.

Appropriate timing of the Northern Access Route is secured through condition 25 of the outline permission (prior to the first occupation of the development). Part of the route is included within the Orchards Area in the Phasing Plan. The surface of the shared cycle and pedestrian path will need to ensure a satisfactory all-weather, hard-wearing surface. Details of the surface and connection points can be secured by a condition and this is recommended.

### The Countryside Access Route

The Countryside Access Route is shown on the Urban Design Framework. The route has already been partly installed on the south west and west parts of the site. This section has a hoggin surface. The remaining section in the north west of the site links into the northern access route to White Rock and related footpath network. This section is shown as being part of the Phase 1 and 2 of residential development. Where this provides the main link to the Northern Access Route it will require an all-weather, hardwearing surface. The other section

links the Nords LEAP play area to Brixham Road. This section is not included in a phase on the Phasing Plan. It will need to be provided prior to operation of the school site or before the occupation of Phase 4 of the residential development, whichever is earlier. The surface of this part will also require a satisfactory all-weather, hard-wearing surface.

It is recommended that these provisions are secured through a condition.

#### Internal Road Network

The layout accords with the indicative plans from the outline stage with a simple loop solution for the site with spurs to provide secondary loops, culs-de-sac, mews courtyards and short private shared drives.

Locations and design of pedestrian crossing points near the access roundabout and on the loop road would be subject of the s38 adoption agreement. These will need to provide for safe routes around the site and to the school site

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

#### Bus Stop

Details of the bus stop infrastructure have been submitted as part of the Reserved matters application (as required by condition 22 of the outline permission).

The bus stop vehicle standing and passenger waiting area are positioned to the south west of the access roundabout with a one-way circulation system. The bus stop area is included in the proposed area for Highway adoption by Torbay Council.

Highways Department has confirmed no objection to the proposals. The bus shelter specification accords with the Council's standard requirements. Provision of this infrastructure can be secured through a condition and this is recommended.

#### Adoption:

The Highway Authority raised several points for clarification. Proposed materials for the surface of roads and footways proposed for adoption have been amended in accordance with maintenance regime for adopted roads.

The hierarchy of roads includes shared surfaces in the Orchards and other areas of the site. Where service runs are below surface level, on adopted roads, the surface is customarily paved to enable reinstatement after utility companies undertake repairs. It is, therefore, recommended that the appropriate surface materials are provided as necessary to enable adoption by the Council. Details of hard landscaping materials and locations can be secured through a condition and this is recommended.

The accesses, extent of adoption and swept path analysis for waste and emergency vehicles and further detail has been submitted by the applicant and is considered acceptable.

#### Car and Cycle Parking

A total of 926 parking spaces are provided on the site, 837 are allocated to the dwellings, 81 are visitor spaces and 8 are for the allotments. Each house has a minimum of two off-street spaces each and the flats have one each. The off-street parking spaces are either within plot or within small courtyards or immediately adjacent. This level of provision accords with the standards expected in the Development Plan. Just over half the dwellings also benefit from a garage (19 are double) as an additional space that would be available. Garage and car port sizes meet the dimensions set out in Appendix F of the Torbay Local Plan.

Electric vehicle charging point (EVCP) cabling and socket positions are set out in the submitted

plans (Drwg Nos 0758-120-1 and 2). This provision is discussed above in the Amenity Section of this report and a condition is recommended to secure details and provision of the sockets prior to occupation of the relevant dwellings further to Condition 28 of the outline permission. (which prevents occupation of any dwelling until an EVCP to serve it has been installed in accordance with details agreed in writing by the LPA.)

Condition 32 of the outline permission required details of cycle parking provision to be provided in Reserved Matters applications. The Torbay Local Plan expects dwellings to be provided with 2 cycle parking spaces and apartments with 1 space. Where dwellings have a garage as a third space the facility is considered adequate to be considered as providing cycle parking possibilities. Houses without garages have rear gardens where cycle storage can be provided. For houses without garages details can be secured through a planning condition on the location and form of cycle parking to meet the standard above. The apartments are provided with cycle stores at ground floor level: details of the number of spaces and their security provisions can be secured through a condition and this is recommended.

The apartments at Plots 106-129 and 305-310 have ground floor bin stores included in the plans. Further detail and provision of the facilities for storage and collection for waste storage can be secured through a planning condition.

Waste and recycling storage is detailed for the houses and sufficient access to garages or gardens for waste storage is provided. Collection points have been identified on the revised Refuse Strategy Plans. Some collection points are shown as on the shared driveways but there is space within the layout for positioning adjacent to the highway and within the recommended distance of the respective dwellings. Final locations in each phase can be determined through a condition and this is recommended.

#### Other layout/movement issues:

Outline consent and detailed access have already been granted permission. A Construction Method Statement for each phase is required prior to commencement of development of each phase through condition 18 attached to the outline consent. A travel plan is required by condition 30 of the outline planning permission at the time of marketing of the dwellings.

Details of pedestrian crossing points to the school will be required. These would be on adopted roads. Condition 26 of the outline permission requires details of these to be provided, agreed and implemented before the school site comes into use. These details are not required for this RM application.

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, Policies E1, E7 and E8 of the Brixham NP and PNP1, PNP1(a) of the Paignton Neighbourhood Plan. Outline consent was granted subject to several conditions to mitigate against impacts on ecology:

1. Landscape and Ecological Management Plan (LEMP) (condition 8) for each phase.

2. Landscaping scheme (condition 9) for each phase.
3. Ecological Mitigation works (condition 13) -Pre-commencement and largely implemented.
4. Measures to enhance biodiversity (condition 14) including wildlife information boards and habitat boxes. Pre-commencement by phase of development
5. 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 15).
6. A Lighting scheme (condition 16) to demonstrate compliance with the 0.5 lux design parameter set out in the Inglewood External Lighting Report and Dark Area Plan approved at outline stage.
7. Construction Environmental Management Plan (CEMP)(condition 17) for each phase.

Of these, conditions 8 (LEMP) and 9 (Landscaping) are required with the Reserved Matters application. Landscaping has been considered above under Section 3 of this report.

The other conditions fall to be considered under separate application/s for “approval of details further to condition” (discharge of conditions application).

Although the lighting strategy is not required by condition 16 until above-slab development, the Applicants have provided a lighting strategy (Ref P2022-1119-4, A Tulla 29.09.2022), which sets parameters for the more detailed designs to be submitted.

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 ecology:

- Ecological Assessment (NPA 10874 120 P01)
- Landscape and Ecological Management Plan (P22-1499, Pegasus, Sept 2022)

The ecology matters have been considered by Devon County Council Ecologist, who has no objection to the RM application. Hedgerow to west of school is adequately detailed on the submitted Landscape Plan (Ref. Public Open Space P22-1449\_EN\_002\_11-A). The submitted lighting strategy sets parameters that accord with what was agreed at outline stage. Their input will be sought to the discharge of conditions 14 (Habitat Boxes and Information Boards), 15 (Ecological Monitoring strategy), 16 (Lighting) and 17 (CEMP) when they are submitted for discharge.

These will need to incorporate the tree planting through the scheme, hedgerow and meadow maintenance and the dark corridor habitat for bats and birds.

The Landscape and Ecological Management Plan covers all areas of open space and 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 subject to the addition of conditions recommended by the Landscape Consultant over review, tree establishment and protection and replacement of lost/damaged items.

The development is deemed to accord with policies SS8, SS9 and NC1 of the Torbay Local Plan, Policies E1, E7 and E8 of the of the Brixham Peninsula Neighbourhood Plan and Policies PNP1, PNP1(a) 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 (C35 of P/2017/1133 as varied by P/2022/0112) 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 and related documents.

The application is supported by drainage plans and supporting information for a scheme for surface water run-off on site which has three catchments and combines communal soakaways and infiltration with attenuation tanks (below the woodland pastures to the south west of the site and the pocket park in the Quarry Edge area). The tanks would act as on-site holding basins for surface/storm water. The proposal then seeks to discharge the attenuated water at a controlled rate equivalent to the drainage sewer in Brixham Road 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 overall capacity, design and means of disposal for the overall drainage scheme. There is also acceptance to the proposed discharge rate to the public sewer, which complies with the requirements of the Torbay Critical Drainage Area.

The technical details fall to be approved (under outline condition 35) for each phase of the development prior to commencement of the groundwork and highways work for that phase. That condition also requires that the agreed drainage schemes shall be implemented prior to occupation and be maintained thereafter.

However, as part of the RM application, the applicants have submitted details for Phase 1 (Highways) and Phase 1 (Residential - Orchards) (as show on the submitted phasing plan). This drainage phase involves part of the loop road and plots 1-70 and plots 100-105 which are identified as Phase 1 (residential).

The applicants have submitted details of infiltration testing, use of SUDS and modelling, man hole cover heights and pipe volumes as requested by the Council's Engineer to ensure that the detailed scheme is acceptable.

At the time of writing this report, the drainage engineer has approved the detailed scheme for the estate roads and the first 62 houses in the Orchards character area (Plots 1-56 and 100-105 consecutive) (including manhole cover heights) subject to installation as submitted. Plots 57-70 rely on infiltration through permeable paving and the details of this aspect will be confirmed prior to Committee.

Detailed drainage data for further phases of the residential development will be submitted via Discharge of Condition applications prior to commencement of respective phase in accordance with condition 35 of the outline permission.

Drainage information for the school site is not the subject of this application. However, the surface water calculations have been considered in the overall framework capacity of the site and are acceptable. Details would be sought when that RM application comes forward.

Subject to the confirmation of infiltration tests and detailed design for plots 57 to 70 that delivers a surface water drainage that would not increase the risk of flooding, 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.

Policy BH7 of the BPNP encourages new development incorporate sustainable construction, adaptive technologies and measures to combat climate change and enable sustainable lifestyles, minimise energy use and maximise efficiency. Paignton Neighbourhood Plan Policy PNP1(f) states that new development should aim to achieve sustainable construction and water management technologies that mitigate and adapt to climate change; use reclaimed materials and natural finishes;) include soft landscaped areas for natural drainage of rain water, and compensate fully for any existing soft area lost to development; use on-site renewable energy generation and 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 4). This condition requires any reserved matters application relating to the proposal's layout, scale and appearance, to include details of sustainable construction, adaptive technologies, eco-innovation and other measures to minimise energy use and combat climate change.

An initial Energy and Sustainability Statement was submitted with the application (FIS Ref no 008380), which illustrated Persimmons previous approach to this issue; reliance on a fabric-first approach and achieving a 5% carbon reduction over the 2013 Building Regulation standards.

Due to changes pending to the Building Regulations in 2023 and 2025, the full details of the energy reduction measures of the proposed development are being reviewed by the applicants. They have submitted a revised Energy and Sustainability Statement of Intent (Dated 16.02.2023 and received 17.02.2023) which sets out the carbon saving strategy for the Inglewood scheme:

- a) compliance with Part L 2021 and SAP10 (formal statement to be prepared)
- b) further analysis and compliance with Part L2025 and SAP11 for future homes (relevant to later phases)
- c) electric vehicle charging is proposed for all dwellings
- d) solar PV on southerly orientated properties subject to formal assessment of final layout
- e) air source heat pumps to supply all dwellings with space and hot water heating.

The Part L 2021 Building Regulations will need to be complied with for any building that is not “Commenced” before 15<sup>th</sup> June 2023. These Regulations are assessed to deliver a substantial reduction (approximately 31%) in CO2 emissions compared with current (2013) regulatory standards. The 2025 regulations are expected to achieve 75 to 80% lower carbon emissions.

The Energy Statement of Intent 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 Torbay Council Climate Emergency Officer has commented that the use of heat pumps, EVC Points and PV panels is welcome. There is no objection subject to a condition to secure a formal and detailed Energy Statement prior to commencement of development that addresses and ensures compliance with Policies SS14 and ES1.

To secure certainty on the low carbon credentials, it is recommended that a planning condition is imposed to secure these details in a low carbon scheme prior to the commencement of each phase of development in order to address the spirit and intent of condition 4 of the outline consent and to ensure compliance with the Policies of the Development Plan.

Each scheme shall be in accordance with the Energy Statement of Intent and will be expected to include:

- Delivery of no less than 20% of the energy demand via renewable energy systems.
- dwellings to be fitted with high-efficiency air source heat pumps/combination boilers.
- PV panels to be installed to take advantage of favourable pitch and orientation where feasible and where the visual impact makes this acceptable. Panels shall be grouped into cost-effective system sizes to ensure that the capital outlay for the systems is biased towards the energy-producing element.
- Address over-heating risk
- Water consumption and measures to reduce usage and collect water for domestic use.

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 at outline stage with the amount and general parameters for the provision set in a s106 Legal Agreement that accompanies the outline consent. This established that 30% of all units would be affordable units, which is the policy compliant level for development of this scale on greenfield sites. The Legal Agreement set the type of affordable units in accordance with policy guidance, with the need to deliver a tenure split of a third-third-third between social rent, affordable rent, and part ownership, and 5% of the provision being adapted dwellings.

The Affordable Housing Distribution Plans (0758-112-1 and 2) show the locations of the affordable housing units. A schedule of the house types/size and tenure is included in the legend for the composite planning layout (Ref No 0758-102 COL).

The legal agreement also established the broad requirement for a proportionate mix of dwelling types, and for these to be distributed through the development. The legal agreement allows for variation of the mix in agreement with the Affordable Housing Manager.

Table 1. Proposed Affordable Housing Provision

(Figures in brackets are from s106 Agreement Table A) Adaptable units are in green



House Type	Social rent	Affordable Rent	Shared Ownership	Total
1bed/2pers	15 (15)			15 (15)
2bed/4pers	18 (15)	19 (20)	19 (21)	56 (56)
adaptable	2	6	5	13
3bed/5pers	3	15 (17)	16 (17)	34 (34)
adaptable			3	3
4bed/6pers	2 (7)	2	3	7 (7)
adaptable	1		2	1
<b>Total</b>	<b>38 (37)</b>	<b>36 (37)</b>	<b>38 (38)</b>	<b>112</b>
adaptable	3	6	10	19

The submitted Affordable Housing Plan details the provision of 112 units, which accords with the requirement to deliver 30% of the units as affordable units.

In terms of tenure split the plan details 38 units of social rent, 36 units of affordable rent, and 38 units of shared ownership. This is considered to accord with the requirement to have an even split of tenure types through the scheme.

In addition, the Legal Agreement requires that prior to commencement of development of each phase, a schedule of the location, house type/size, specification and tenure of the affordable housing units shall be submitted for the written approval of the Local Planning Authority and attached to the s106 Agreement. Compared to the s106, the tenure of proposed four-bedroom units has been widened and social rent units include three-bedroom units.

The locations of the units are distributed in 'clusters' in the Walks and Quarry Edge Areas of the development. Clusters are usually preferred by Registered Providers for management and maintenance reasons.

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 the site in clusters and that there is a good range of house types, including up to 7 x 4 bedrooms.

The plans also indicate provision of 5% of all the housing units (5% of 373=19) ) as Adaptable dwellings in accordance with Policy H6 of the Torbay Local Plan. Clarity on which units will be delivered to adapted standards in accordance with the Legal Agreement has been provided by the developer. If the adaptable Units were spread proportionately across the housing tenures on the site, 6 affordable adaptable units would be required (split: 2 social rent, 2 affordable rent and 2 intermediate). However, the 19 units proposed are all affordable ones and these requirements are met as set out in the submitted Schedule (Doc Ref No 0758-102B): 14 in Walks and 5 in Quarry's Edge areas with tenure mix as set out in the table above. The Council's Housing Delivery Officer supports the proposal in terms of the affordable housing offer.

The number and tenure mix of the proposed affordable housing units is compliant with Policy H2 and the number of adaptable units is 5% in accordance with Policy H6 of the Torbay Local Plan.

## **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.

### **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. However, the outline consent is subject to a S106 legal agreement which secures the following if a scheme is delivered;

- 30% Affordable Housing
- Land for a primary/nursery school and playing fields

- Bus Service
- Health contributions for Compass House Medical Centre (148,827) and a new health and wellbeing centre (775 per dwelling) to be delivered through the NHS
- Berry head Grassland Improvements - proportionate in accordance with the adopted SPD
- Employment Contributions to Claylands Industrial Park or other jobs in Torbay
- Sustainable Transport Contributions in accordance with the adopted SPD
- Lifelong Learning Contribution in accordance with the adopted SPD
- Sports Contribution in accordance with the adopted SPD
- Waste and recycling Contribution in accordance with the adopted SPD
- Provision of on-site Public Open Space including allotments, community orchard and play areas.

## **EIA/HRA**

EIA: Considered at outline stage, which concluded that due to the scale, nature and location the development was considered to be EIA development. An Environmental Report was submitted at outline stage and the principle of the development approved subject to Ecological Mitigation works secured through conditions and a s106 agreement. Considering these reserved matters aside the outline proposals it is not apparent that the project would likely have further 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 could affect European Sites and ecological mitigation works were secured through conditions and a s106 agreement. 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 providing housing, would produce a significantly positive impact overall and help with the supply of much needed housing. The provision of 112 affordable homes, including 19 adaptable units is also a significant material benefit.

The provision of public play areas and footpaths with countryside access is also a significant public benefit. The nearest formal play area being at White Rock.

The provision of enhanced public transport facilities is also a material benefit with the proposal including the pull-in bus stop and extension to an existing bus route. It is also proposed to secure a toucan crossing and three non-controlled crossings, which will improve the access to the bus stop and aid crossing a strategic road to provide access to the countryside route and school.

## **Conclusions and Reasons for Decision**

The site already has outline planning permission (with an approved vehicular access design) and is consistent with the approved outline application for the site. The proposal is considered acceptable with regards to detailed design within the principles of the outline permission.

The scheme is adequately resolved and would provide an adequate standard of living accommodation and is acceptable in terms of access, ecology and flood risk matters.

There are also demonstrable public benefits that weigh in favour of the scheme, notably housing provision, including 112 affordable units (19 of which would be adaptable), formal equipped child's play areas, informal open space and public transport facilities.

The principle of housing development on the site has been approved at outline stage. The NPPF (paragraph 11) guides that decisions should apply a presumption in favour of sustainable development 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.

The impacts on protected areas or assets of particular importance were considered at outline stage and the current proposal satisfactorily includes the implemented ecological mitigation works and the design principles of the approved site layout and design. There are no impacts on protected areas of particular importance that provide a clear reasoning for refusal.

### **Officer Recommendation**

Approval: Subject to;

The conditions as outlined below, 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.

### **Recommended Conditions**

#### **1. Phasing Plan**

The development shall be undertaken in strict accordance with the approved Phasing Plan (Drawing Numbers 0758-116-1B, 0758-116-2B and 0758-116-3B. ) unless otherwise agreed in writing.

**Reason:** In the interests of the timely development of the site, amenities of the area and in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

#### **2. FRA detail for phase 1. Later phases to be submitted**

Phase 1 of the development as defined on the approved Phasing Plan (Plots 1 to 56 and 100 to 105) shall be implemented in accordance with the submitted and approved Drainage Scheme. Details of infiltration and permeable paving for Plot 57 to 62 shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on those plots. The Drainage Scheme and approved details shall be provided in full working order prior to the first occupation of Phase 1 (Residential) and shall be maintained in that condition thereafter for the lifetime of the development.

No further phase of the development shall commence until the detailed surface water drainage scheme for the respective phase has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage designs shall be in accord with the

principles established in the approved framework FRA (WB03590/FR01 V5), Technical Note WB03590 TN01(v4) Appendix F Updated Drainage Strategy Drawing) further to condition 35 of the outline planning permission.

No phase of the development shall be occupied or brought into use until the approved surface water drainage scheme for that phase has been completed as approved. The scheme shall be continually maintained as such thereafter.

**Reason:** In the interests of securing a satisfactory drainage scheme prior to commencement of the development that adapts to climate change and manages flood risks on the site and in the vicinity further to Policies ER1 and ER2 of the Adopted Torbay Local Plan 2012-2030 and the guidance contained in the National Planning Policy Framework.

### 3. Waddeton Gate Piers

Prior to first occupation of the development the stones that formed the Waddeton Gate piers at the Brixham Road entrance to the site shall be retained on the site and reused as a landscape feature within the site in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be installed in accordance with a timetable to be agreed in writing by the LPA and maintained in good and safe condition for the lifetime of the development.

**Reason:** In the interests of the timely development of the site, amenities of the area and in accordance with Policy DE1 of the Torbay Local Plan 2012-2030.

### 4. Materials: samples

Notwithstanding the approved drawings and house-type booklets no construction of external walls or retaining walls in each phase of the development shall commence until 2sqm sample panels of each of the external materials and finishes to be used in that phase including natural stone, reconstituted stone, bricks, self-coloured render, copings and timber cladding have been erected on site and the materials have been approved in writing by the LPA. The sample panels shall be kept on site for reference until the development is completed.

**Reason:** In the interests of the appearance of the development and the surrounding area and AONB in accordance with Policies DE1 and C1 of the Adopted Torbay Local Plan 2012-2030 and policies BH5 and E1 of the Brixham Peninsula Neighbourhood Plan 2019.

### 5. Boundary fences to rear of specific plots

Prior to the first occupation of the following plots their a 1.8m high close-board fences shall be installed along the boundaries with planted areas/hedgerows and hedgebanks.

- Orchards Plots 1 to14 consecutively and Plots 57, 58 and 70
- Walks Plots 89 to 99 consecutively and Plot 100
- Nords Plots 208 to 220 consecutively, 222 to 230 consecutively .

The fences shall be retained in those positions and maintained in good condition thereafter for the lifetime of the development.

**Reason:** In interests of security of the development and the protection of planting buffers and hedgerows further to Policies DE1, NC1 and C4 of the Adopted Torbay Local Plan 2012-2030.

6. Plot Boundary hedges

The boundary hedges on plot frontages and street boundaries once installed, shall be retained and maintained for the lifetime of the development.

**Reason;** In the interests of the visual character of the area, in accordance with Policy DE1 of the Torbay Local Plan.

7. Levels

The development hereby approved shall be constructed in accordance with the levels shown on the approved plans (reference 0758-104-1A to 9A - External Works, received 03.02.2023) unless otherwise agreed in writing by the Local Planning Authority.

**Reason;** In the interests of the visual character of the area, in accordance with Policy DE1 of the Torbay Local Plan.

8. Low Carbon

The development shall be implemented in accordance with the Energy Statement (003830 dated 16.02.2023).

Prior to the commencement of development of each phase of the development above Slab level details of the location and arrangement of on-site renewable energy generation for that phase 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 that solar panels do not 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 renewable energy 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 BH7 of the Brixham Peninsula NP, Policy PNP1(f) of the Paignton Neighbourhood Plan, and guidance contained within the NPPF.

9. Secured by design

Prior to the above ground development of each phase, a scheme detailing security measures and how designing out crime, fear of crime and anti-social behaviour and ensuring the security and safety of future residents have been considered and submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of any entry control and/or monitored CCTV system and that a clear passport to compliance document will be put in place prior to installation to ensure that the system is fit for purpose. Development shall take place in accordance with the approved details and shall be fully implemented prior to the occupation of the building(s) to which it relates. The scheme shall be retained and maintained for the lifetime of the development.

**Reason**

To ensure the safety and security of persons and property and to minimise opportunity for crime, fear of crime and antisocial behaviour. In accordance with Policies SS11, DE1 and DE3 of the Torbay Local Plan 2012-2030.

## Play Areas

### 10. Details of fencing and surfaces of NEAP, MUGA other play areas

Prior to the commencement of installation of each of the NEAP, MUGA and LEAPs in accordance with the approved plans, details of the fencing and ground surfaces for the respective area shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include a hardwearing and weatherproof surface for the play areas. The development shall be implemented in accordance with the approved details and maintained in good and safe condition thereafter.

**Reason:** In the interests of providing public open space and play facilities to meet the needs of the development further to Policies SC1 and SC2 of the Torbay Local Plan 2012-2030.

### 11. Completion of Play areas.

The play areas, public open spaces and allotments hereby approved shall be completed in accordance with the approved Phasing Plan (and further to conditions 6 and 7 of the outline permission). Any equipment that is damaged or falls into disrepair throughout the lifetime of the development shall be replaced as soon as practicable and within a timescale to be agreed in writing with the Local Planning Authority.

**Reason:** In the interests of providing public open space and play facilities to meet the needs of the development further to Policies SC1 and SC2 of the Torbay Local Plan 2012-2030.

### 12. Trim Trail implementation (in accordance with the approved plan P22-1499\_EN\_001-06 Rev D)

The Trim Trail shall be installed in phases and prior to occupation of 50<sup>th</sup> dwelling in the phase in which the respective equipment pieces are located in accordance with the Phasing Plan. The full set of Trim Trail equipment in the approved scheme shall be implemented prior to occupation of 50<sup>th</sup> unit in Phase 4. The Trim Trail shall be maintained in a safe working condition for the lifetime of the development. Any equipment that is damaged or falls into disrepair shall be replaced as soon as practicable and within a timescale to be agreed in writing with the Local Planning Authority.

**Reason:** In the interests of providing public open space and play facilities to meet the needs of the development further to Policies SC1 and SC2 of the Torbay Local Plan 2012-2030.

### 13. Allotments

Prior to the first occupation of the first phase of the development, details of the fencing for the allotment area shall be submitted to and agreed in writing by the Local Planning Authority. The Allotments shall be laid out and provided in accordance with the approved plans and the ground prepared prior to first occupation of the 50<sup>th</sup> dwelling in Phase 1 (Residential) as defined on the approved phasing plan (0758-116-3 B).

**Reason:** In the interests of providing public open space in a timely manner and supporting local food production to meet the needs of the development further to Policies SC1 and SC2 of the Torbay Local Plan 2012-2030.

## Landscaping

### 14. Lighting/Service Runs and Trees

Further to condition 16 of the outline permission, the details of the lighting scheme for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority. Each lighting scheme shall include a review of the tree positions with regards to lamp and service run positions and, in the case of any conflict between these, the scheme shall resolve the tree positions to ensure that as far as practicable there will be no net loss of trees.

**Reason:** In the interests of the amenities and biodiversity of the area and in accordance with Policies DE1, C4 and NC1 of the Torbay Local Plan 2012-2030.

### 15. Landscaping (in accordance with the approved plans and implement).

All planting, seeding and turfing comprised in the approved details of landscaping within each phase of the development shall be carried out in the first planting and seeding season following the practical completion of the dwellings in that phase, or at such other time as agreed by the Local Planning Authority in writing.

Those areas outside the Phases shown on the approved Phasing Plan shall be carried out in the first planting and seeding season following the practical completion of the phase to which it is adjacent.

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

**Reason:** In the interests of the amenities and biodiversity of the area and in accordance with Policies DE1, C4 and NC1 of the Torbay Local Plan 2012-2030.

### 16. LEMP +

The landscaping of the development shall be undertaken in strict accordance with the approved Landscape and Ecological Management Plan (Ref P22-1499, Pegasus, Sept 2022). Details of triggers and a time-schedule for implementation of the LEMP for each phase shall be submitted to the LPA prior to occupation of each phase. All post-construction site management shall be undertaken in accordance with the LEMP.

In addition ,the landscaping shall be implemented in accordance with the following:

- a) A review be undertaken 15 years form the first planting season and any supplemental planting required to achieve the required landscape impact shall be undertaken within a timescale agreed by the LPA
- b) Identification of which hedgerows are suitable for layering and implementation of a time-schedule for those works.

**Reason:** In the interests of the amenities of the area and in accordance with Policies C4 and NC1 of the Torbay Local Plan 2012-2030.

### 17. Trees Method Statement

Notwithstanding the approved LEMP (Ref P22-1499, Pegasus, Sept 2022) the development shall be implemented in accordance with the approved Tree Report (EV-377-3-1-AMS (dated 21.09.2022)) and Tree Protection Plans.



Prior to the commencement of above ground development for each phase shown in the approved Phasing Plans a Tree Method Statement shall be submitted to and approved in writing by the LPA. The Tree Method Statement shall include details of

- a) tree guards for young trees
- b) root cells and stem protection for street trees within or adjacent to roads or parking areas
- c) strimmer guards for trees in grassed areas
- d) irrigation for trees in all areas

Each phase of the development shall be implemented in accordance with the approved Tree Method Statement and Tree Protection Plans.

**Reason:** In the interests of the amenities and biodiversity of the area and in accordance with Policies DE1, C4 and NC1 of the Torbay Local Plan 2012-2030.

#### 18. POS litter bins and benches

Notwithstanding the approved Public Open Space Landscaping Plans the details of the benches and litter bins and their positions shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation in each phase of the development. The development shall be implemented in accordance with the approved details and maintained in that condition thereafter.

**Reason:** In the interests of maintaining the amenities of the area and in accordance with Policies DE1 of the Torbay Local Plan 2012-2030.

#### 19. Hard Landscaping materials

Prior to the above ground development of each phase of the development hereby permitted, the scheme of hard landscaping treatment for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the following details:

- a) any walls, railings and fences
- b) surfacing of roadways, drives, parking, turning areas and paths

The development shall be implemented in accordance with the approved plans. Once provided, the agreed hard landscaping treatment shall be retained for the life of the development.

**Reason:** In the interests of visual and residential amenity and in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030

#### 20. Northern Access Route –

Notwithstanding the approved external works and landscaping plans, details of the surface and construction of the Northern Access Route shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of above ground development of Phase 1 (Residential). The development shall be implemented in accordance with the approved details and the Northern Access Route constructed and made available for its intended purpose prior to the first occupation of the development.

**Reason:** To ensure adequate access is provided to the development in a timely manner and in the interests of highway safety, active travel and sustainable transport provision further to Policies TA1 and TA2 of the Torbay Local Plan 2012-2030.

## Highways

### 21. Highway Standards Adoptable Streets

Construction of the internal roads (including footpaths) within the development shall be in accordance with the Torbay Highways Design Guide for new developments in operation at the time of construction. The roads and footways shown on the approved plans (Drawing Nos 0758-107-2A, 0758-107- 3A and 40\_09\_01-P2 S38 Sheet 1 of 3) as being for adoption and serving each phase of development shall be completed to adoptable standards (further to Condition 24 of the outline permission P/2022/0112) prior to the occupation of the dwelling served by the respective road. Those roads identified for adoption shall be the subject of an agreement with the Council made pursuant to S38 of the Highways Act 1980

**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.

### 22. Parking provision of spaces and garages.

Prior to the occupation of each dwelling hereby approved, their associated car parking spaces and garages, as shown on the approved layout plans, shall be provided and thereafter made permanently available free of charge for the use of the associated properties. The visitor spaces and allotment parking shall be provided prior to the completion of all the dwellings within the relevant phase.

**Reason:** To ensure all properties have dedicated parking facilities and in accordance with Policy TA3 of the Torbay Local Plan 2012-2030.

### 23. ECVP cabling

The cabling for Electric Vehicle Charging Points shall be provided in accordance with the approved drawings 0758-120-1 and 0758-120-02. Details of charging sockets shall be submitted to and agreed in writing by the Local Planning Authority for each phase prior to first occupation of that phase and the socket serving each unit shall be installed and provided in full working order prior to the occupation of that dwelling.

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

### 24. Refuse and Recycling

Notwithstanding the approved Refuse Strategy Plans, the locations of refuse bin collection points shall be provided in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of above ground development of each phase. The approved facilities shall be provided prior to occupation of the relevant unit and shall be retained thereafter.

Details of a scheme for storage and collection of waste and recycling for the apartments at Plots 106 - 129 and 305 - 310 (consecutive) shall be submitted to and agreed in writing by the Local Planning Authority prior to the above ground development of the respective plots.

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

## 25. Cycle Storage

Prior to the first occupation of each phase details of cycle storage (secure and weatherproof) for the houses without garages and the apartments (Plots 106-129 and 305-310 consecutive) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with approved details prior to the first occupation of the respective Plots and maintained for the lifetime of the development.

**Reason:** In the interests of reduction of carbon fuel usage and residential amenity, and in accordance with Policies DE3, TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030

## 26. Bus shelter and bus stop infrastructure

Details of the Real-time Information equipment for the bus stop shelter shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of above ground development of Phase 1.

The bus shelter and all bus stop infrastructure shall be implemented in accordance with approved plans and specifications in accordance with condition 22 of the outline permission (upon occupation of the 50<sup>th</sup> dwelling). The shelter shall be provided and installed and maintained in full working order and maintained thereafter.

**Reason:** To ensure adequate access is provided to the development in a timely manner and in the interests of highway safety and sustainable transport provision further to Policies TA1 and TA2 of the Torbay Local Plan 2012-2030.

## Post Development

### 27. PD Rights Part 1 (A to F) and Part 2

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 the interest of the amenity and appearance of the area and functionality of the site in accordance with Policy DE1 of the Torbay Local Plan.

### 28. No wind turbines Part 14 Class H.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 2015 Order (or any Order revoking or re-enacting that Order with or without modification) no development falling within Article 3, Schedule 2, Part 14, Class H - "installation or alteration etc. of wind turbine on domestic properties" shall take place 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 the interests of the amenities of the area and in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

### **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 and a s106 agreement relevant to these reserved matters are present on the outline consent P/2017/1133 (as varied P/2022/0112).

### **Relevant Policies**

#### **Development Plan Relevant Policies**

##### **Torbay Local Plan**

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

##### **Brixham Peninsula Neighbourhood Plan**

BH4 – Housing Development

BH5 – Good Design

BH6 – Roofscape

BH7 – Sustainable Construction

BH8 – Access to New Dwellings

E1 – Landscape Beauty and Protected areas

E8 – Ecological Sites

T1 – Travel Improvements

SL1 – Space for Outdoor Sport and Leisure

SL2 – Sport and Recreation Facilities in New Development

## **Paignton Neighbourhood Plan**

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