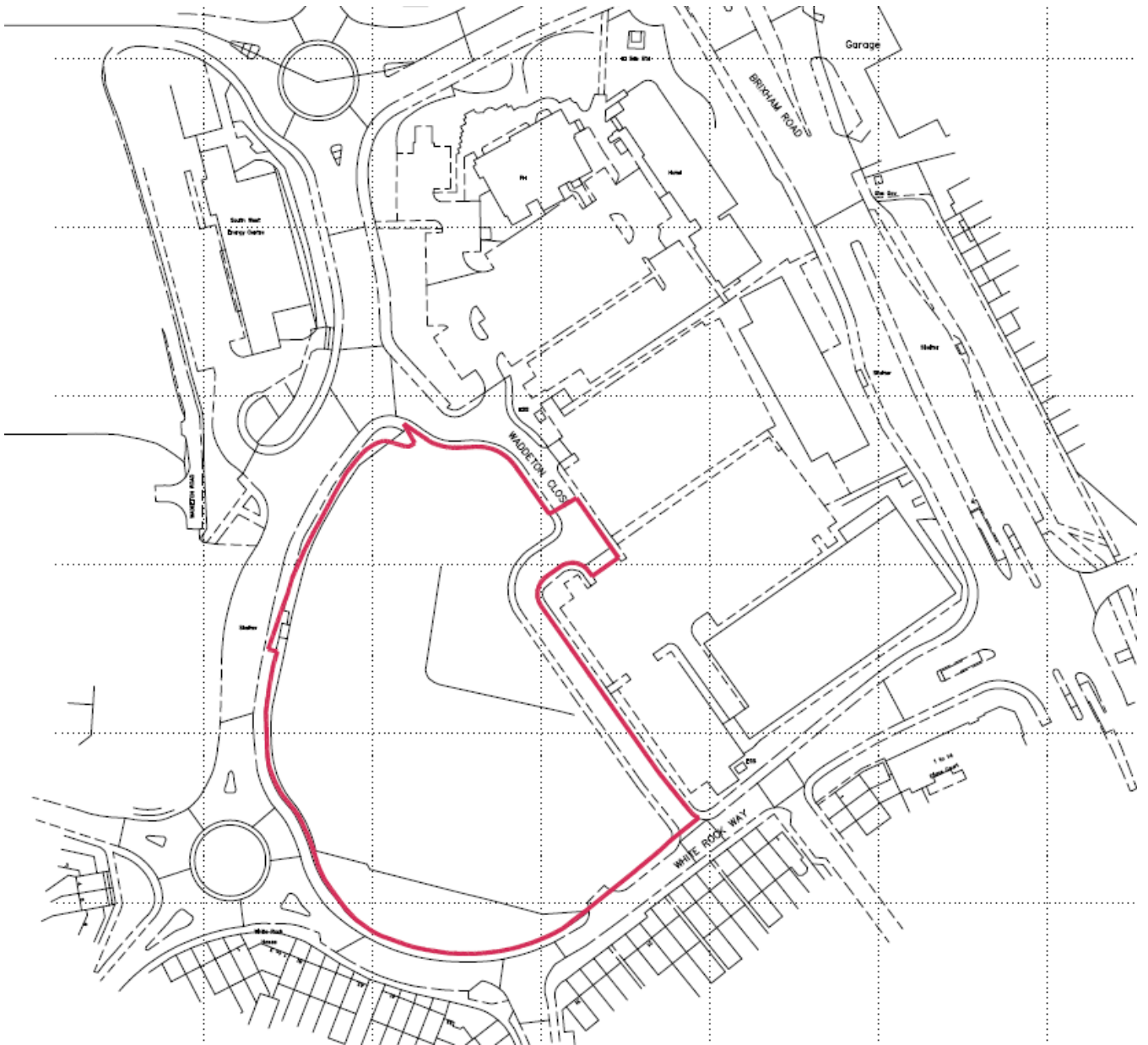


Application Address	Site	Waddeton Approach, Waddeton Close, Paignton, TQ4 7RZ
Proposal		Outline application for residential development of up to 60 dwellings, commercial space and associated works. Details of access to be determined with all other matters reserved.
Application Number		P/2023/0621
Applicant		Abacus Projects Ltd and Deeley Freed Estates Ltd
Agent		Cushman and Wakefield
Date Application Valid		25.07.2023
Decision Due Date		24.10.2023
Extension of Time Date		30.11.2023
Recommendation		<p>Approval Subject To;</p> <p>The completion of a Section 106 Legal Agreement to secure the heads of terms as outlined, in accordance with the adopted Planning Contributions and Affordable Housing Supplementary Planning Document, on terms acceptable to Officers.</p> <p>The conditions as outlined, with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency.</p> <p>The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.</p>
Reason for Referral to Planning Committee		Major Development.
Planning Case Officer		June Pagdin

Location Plan
See next page



Site Details

The application site is an island site in the White Rock development area on the western urban edge of Paignton. It covers approximately 1.2HA and is bounded by Waddeton Road to the west, White Rock Road to the south, and Waddeton Close to the East/North. The site is to the west of Brixham Road (A3022) and can be accessed from the junctions with Long Road and Goodrington Road.

The application site includes the part of Waddeton Close that provides access to the car parks at the rear of the Epic Centre and Lidl Supermarket from White Rock Road (and which is currently a private road).

There is currently no other vehicle or pedestrian access onto the developable area of the application site. The area has been fenced off. The site contains some mature trees, notably three pine trees, hedgerows and scrub vegetation on the eastern side. A stone wall runs along the western side. A large attenuation tank for the drainage for the development area sits beneath the western part of the site. This part of the site is flat and grassed.

The Torbay Local Plan identifies the application site as part of the wider White Rock Site (SDP3.5) which is allocated for housing and employment uses. The White Rock Development is the subject of Policy PNP21 in the Paignton Neighbourhood Plan. The White Rock Area has planning permission (outline permission P/2011/0197 MOA) for 350 dwellings and commercial space. The residential elements are being built out and commercial spaces on Brixham Road and in the western bowl area have been constructed.

The current application site was identified as part of the Local Centre for mixed uses: part commercial, part housing and part open space (Approved Access and Design Statement, 14912 V2 under outline permission P/2011/0197). The approved phasing plan to condition 3 of the outline permission indicated that the site was part of the local centre with phasing to be agreed (40200 LP STR 004 Rev A, CN/2013 0076). However, it was not the subject of any Reserved Matters (RM) application and the outline permission has now expired with regards to any further RM applications. Other plots in the Local Centre have been built out under subsequent full planning permissions (e.g. Epic Centre, Lidl).

The description of development for White Rock (P/2011/0197) included “approximately 15Ha of open space”. The s106 agreement for the White Rock Area outline planning permission required 15Ha of public open space to be provided within the overall site area. The applicants have prepared a calculation of the public open space areas provided in the White Rock development, which indicates that 14.58Ha have been provided in areas of varying character.

The site is in a habitat zone for Greater Horseshoe Bats, Cirl Buntings and Greater Crested Newt Consultation Zone. It is in Flood Zone 1 of Torbay’s Critical Drainage Area.

The site presents an opportunity to provide public open space in an attractive and useable form and to provide important pedestrian connections between the existing housing and the town centre functions of the wider development site and the public transport connections on Brixham Road.

The application site has been included in the HELAA update exercise 2022/23 (Reference Number 21P053) to provide an estimated 121 units (55 x C3 apartments and a care home of 66 C2 units). The summary assessment notes the potential to provide 60 dwellings (or pro-rata equivalents).

Description of Development

This application seeks outline planning permission for up to 60 dwellings and details of site access with all other matters (layout, scale, appearance and landscaping) reserved.

The indicative details submitted with the application for 60 dwellings seeks to demonstrate that the level of development proposed could be appropriately achieved on the site. This includes:

- Masterplan (2482-P1 - Illustrative Site) – shows a potential residential layout in two clusters one at the north end and one at the south end with open space (3,417sqm) through the centre of the site. The key summarises the development as
 - 60 dwellings: 40% (24) houses 60% (36) flats including 18 affordable housing units (30%),
 - A small amount of commercial space (approximately 70sqm),
 - Off-road parking layouts and garden divisions are indicated and
 - 3.2Ha of public open space with a LAP and a LEAP.
- Site Permeability (2482-P4 – Illustrative plan) – shows vehicle access at two points from Waddeton Close and pedestrian access points from the east side (Waddeton Close) and from the west side (Waddeton Road).

- Transport Statement and Travel Plan (amended) – shows vehicle access from two points on Waddeton Close; one to the south one to the north. A Road Safety Audit was undertaken and a pedestrian zebra crossing is recommended across Waddeton Close to connect to the footpath across the open space. The report assess viability, accident data, trip generation and links to non-car transport modes.
- Technical Note – (P20230621 Response to Comments, Sept 2023) – indicates Waddeton Close would be offered for adoption, demonstrates swept paths for refuse vehicles, proposals for bus shelter to be adopted, adjustment of pedestrian crossing over Waddeton Close, possible repositioning of bus stop on White Rock Way.
- Travel Plan – (P2023-0621-3-v3.0) updated to demonstrate - meeting SMART targets for non-car access to site for 30% of users.
- Access and Design Statement – (2482 DAS D)
- CIL Liability forms (P2023-0621-5 and 6)

Other documents submitted are:

- Accommodation Plan (2482 P2 - Illustrative) – sets out accommodation schedule 1, 2 and 3 bedroom units in 2,3 and 4 storey buildings
- Affordable Housing and Planning Statement (2224VS00)
- Tenure Plan (2482 P3 – Illustrative) tenure plan for market and affordable units
- Public Open Space (2482 P5 - Illustrative) – retain stonewall and some trees provide public open space and footpaths through the centre of the site and a LAP and a LEAP
- Parking (2482-P6 Illustrative Parking)
- Refuse Strategy (2482-P7 - Illustrative)
- Site Sections (2482-P8 - Illustrative) – three storey terraces at southern end and four storey flats at north end.
- Perspectives (P20230621 P9 and P10 - Illustrative)
- Energy Statement (P2023-0621-4)
- Acoustic Report (10032-SL B Noise Assessment)
- Lighting Statement (27111-HYD-.RP-E-0001 (Lighting Statement)
- FRA and Drainage Scheme (EO5706-0001_DS-P3, 31.08.23)
- Land Contamination Report (E05706.1-CLK..RP-GT-0001 P03 Site Investigation)
- Tree Survey and Report (EV-3880-TCP (Constraints Plan)
- Arboricultural Impact Assessment (EV-3880-AIA Impact Assessment)
- Tree Protection Plan (EV-3880-TPP Protection Plan)
- Proposed Landscape (920-01C Illustrative Planting Plan 1) (920-02C -Specification)
- Ecological Assessment (NPA 10874 124 P02) and BNG Strategy
- BNG Baseline Metric (P2023-0621 -7 Biodiversity Metric Tool)

Pre-Application Enquiry

Informal pre-application discussions on this site were undertaken as part of a PPA for the White Rock Area. The site is being considered under the HELAA update 2022/23.

Relevant Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Adopted Paignton Neighbourhood Plan (PNP)

Material Considerations

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

Relevant Planning History

White Rock

P/2011/0197 (Outline) : Mixed Use Development of 39 Hectares of land at White Rock, Paignton to construct up to 350 dwellings, approximately 36,800m² gross employment floorspace, a local centre including food retail (up to 1652m² gross) with additional 392m²A1/A3 use and student accommodation, approximately 15 hectares of open space, a sports pavilion and associated infrastructure and engineering works to provide access, drainage and landscaping (Outline Application). Approved with s106 Legal Agreement 29.04.2013.

Lime Kiln Close Reserved Matters

MRM – P/2014/0071 Approval of appearance, landscaping, layout and scale in relation to 38 dwellings and associated development. Reserved Matters for P/2011/0197. Approved 16.May.2014.

NMA – P/2014/0852 Non material amendment to P/2014/0071 - Changes to materials

Linden Homes Reserved Matters

MRM - P/2013/1229 Approval of reserved matters to P/2011/0197. Appearance, landscaping, layout and scale in relation to 310 dwellings and associated development. Approved 17.04.2014.

NMA – P/2014/0853 Non material amendment to P/2013/1229- Changes to materials to reflect materials schedule and addition of a conservatory on plot 314.

Sports Playing Area

P/2016/0188: Approval of reserved matters to P/2011/0197. Appearance, layout and scale in relation to a sports pavilion, and associated development including a sports playing pitch, multi-use games area and car park. Approved 13.04.2017. Subject to a Deed of Variation.

Local Centre

P/2017/0685: Development of Innovation Centre (Use Class B1a and B1b) with associated parking and landscaping. Approved with Legal Agreement 06.04.2018.

P/2017/1019. Formation of supermarket inc. associated works. Approved with legal agreement 24.04.2018.

Summary of Representations

Neighbour letters were sent out on 31.07.2023. Site notices and a newspaper advertisement were displayed on 02. 08.2023.

Five objections have been received. A summary of responses is set out below.

Reasons for objection relevant to this outline application with details of access:

- Adverse impact on quality of life and well-being of residents
- Increase in noise, dust and mud pollution during construction and afterward – nuisance and health threat and need to clean house and car

- Increased traffic noise and fumes to already busy commercial area next to housing
- Mixed uses are not harmonious together
- Parking is a severe issue in this area – inadequate for existing housing - most households have two cars.
- Housing schemes on Inglewood and Nortel – question the need for more housing
- Schools, doctors and dentists are oversubscribed locally
- Area needs more infrastructure and services, play parks and community spaces not more houses
- A café/restaurant (Class Eb) or day nursery/doctor/dentist (Class Ee, Ef) would be best use
- Public Open Space was originally proposed and is needed for local residents
- More housing will put more pressure on existing public open space
- Should plant more trees
- There are no green spaces for breaks (working day)

Reasons for objection related to other matters:

- College Sport Facilities added to insufficient parking for existing residents causes parking problems and blocked driveways
- Construction of White Rock leaves mud stains on properties

Summary of Consultation Responses

Broadsands, Churston and Galampton Neighbourhood Forum

No response received.

Brixham Town Council

Insufficient public open space provision and loss of trees without adequate compensatory planting.

South Hams District Council

No response.

Torbay and South Devon NHS Foundation Trust 23.08.2023

The proposed development would potentially create 60 dwellings with an estimated population of 230 new residents. The Devon Integrated Care Board (GPs) in this area is operating at full capacity and cannot absorb the resulting increase in patients. A long-term impact on the Trust's ability to provide safe, accessible and sustainable service delivery to current and new residents. Contributions are sought to mitigate this direct impact and compliant with CIL Regulation 122 and Appendix G the amount sought for 60 dwellings is £37,258 (£621 per dwelling) to be secured through a s106 agreement.

Devon County Council Historic Environment

No response.

Torbay Council Housing Strategy

Requested for development of over 30 units: on greenfield sites - 30% of units to be affordable and provided on-site. If brownfield then affordable proportion is 20%.

Torbay Council Affordable Housing Strategy and Enabling Officer 28.08.2023

No objections to the application from an affordable housing perspective. The applicant is proposing 30% (18 units) affordable housing provision which is compliant with Policy H2. We would look forward to working with the applicant on the detail of the affordable housing scheme.

Community Safety 29.03.2023

No response.

Ecology Advisor (Devon County Council)

06.10.2023:

HRA: The development is unlikely to impact Greater Horseshoe Bats due to existing levels of lighting in the area. No impacts on SAC or SSSI's subject to conditions to create habitats and limit additional lighting.

Further information required prior to determination –.

- cirl bunting and reptile surveys are over 18 months in age. More up-to-date ones may be required,
- BNG metric needs to correctly justify off-site measures Further information required on the area measurements of habitats lost (semi-improved grassland, ephemeral short perennials and introduced shrubs) and created,
- the maintenance plan for the proposed habitats especially as many border private gardens and wildflower meadow appears to be privately owned,
- EIA report states 40 trees to be planted but only 20 are native species. 8 trees in planters not recommended,
- Justification required for intrusion of 30% into RPA of retained Pine tree G5.5 and
- Justification for Planting Plan proposal of “killing off existing vegetation with herbicides” - likely to adversely impact local wildlife/biodiversity.

Recommends conditions securing a CEMP at RM stage, a LEMP at RM Stage (with tree protection fencing, habitat creation, species specification and management, no external lighting without permission (and in accordance with submitted EIA and strategy), Bat boxes in development (mitigate for loss of potential bat roosts - design to be secured at RM stage), any licence necessary from Natural England, vegetation clearance outside of bird nesting season and repeat badger survey before any site works commence. .

BNG: A baseline metric was submitted for the site and for off-site mitigation area. Further information required as set out above. Clarify key to Image 1 in Env Impact Report and ownership of off-site land. Monitoring will be required via condition/s106.

31.10.2023: Questions satisfactorily answered. Content that proposal would provide a net gain in biodiversity and that tree G5.5 would be protected. No objection subject to previously requested conditions and LEMP and CEMP conditions. The LEMP to be for 30years and include the off-site BNG land.

Natural England

09.08.2023: A Habitats Regulation Assessment is required.

The development is within the Greater Horseshoe Bat Sustenance Zone and Landscape Connectivity Zone of the South Hams Special Area of Conservation (SAC). Your HRA should assess whether the proposal could result in impacts on greater horseshoe bat roosts or foraging and commuting routes, for example by removing lengths of hedgerow or from artificial lighting. We advise that you follow the detailed guidance in the *South Hams SAC – Greater horseshoe bat Habitats Regulations Assessment Guidance* (October 2019).

Impacts should be avoided wherever possible, for example by retention of hedgerows and through restricting lighting. The Institute of Lighting Professionals has produced practical guidance on considering the impact on bats when designing lighting schemes - Guidance Note 8. Bats and 1. Artificial Lighting. They have partnered with the Bat Conservation Trust and ecological consultants to write this document on avoiding or reducing the harmful effects which artificial lighting may have on bats and their habitats. Where impacts on bat habitat cannot be avoided, a detailed HRA may be required and

surveys may be necessary, as set out in the guidance. Any mitigation measures deemed necessary must be secured through planning conditions or obligations. We have not assessed the application for impacts on other protected species.

Arboriculture and Green Infrastructure Manager (Swisco)

21.08.2023: Open spaces contribution.

Without prejudice to CIL liability, we would be looking for open spaces contributions and proportionately reduced to take count of any on-site provision, in accordance with the Adopted SPD.

SWISCo would be seeking to take on the management of the open space provision for a period of 25 years (grass cutting/non-residential bin emptying, playground inspection, bench repair and non-highway path repairs).

11.09.2023: Arboriculture

No objection in principle but additional/revised arboricultural information is required. The site contains broad leaved trees and hedgerows. A tree survey needs to be carried out in accordance with BS and a Tree Constraints Plan is required. Tree Protection Plan is required to clearly reference trees being retained and methods of their protection. Tree Planting along western boundary requires strengthening (Pines, Maples and Walnuts). Proposed *Prunus avium* species are short lived - replace with larger-canopied, longer-lived species (Field Maple, *Prunus Kansan*, Whitebeam or Callery Pear). Additional weed control (much) required to aid tree and hedge establishment.

21.09.2023: Arboriculture

The AIA and TPP are satisfactory. No objection subject to planning conditions securing TPP prior to commencement, an Arb Method Statement for ground protection systems, identification of utility connections on route of footway and details of installation methodology, a further method statement for monitoring of tree protection and watching brief for specialist surface installation.

Drainage Engineer (Torbay Development Agency):

21.08.2023: The application is accompanied by an FRA and drainage strategy. The strategy complies with the original White Rock Master Plan Drainage Strategy. The scheme includes surface water drainage modelling. Further information is required on pipe gradients, pipe diameter and connections to impermeable areas. This information is required prior to determination.

19.10.2023:

I can confirm that providing the surface water drainage is constructed in accordance with the submitted surface water drainage layout drawing and the hydraulic modelling which are included within the latest site-specific Flood Risk Assessment, I have no objections on drainage grounds to planning permission being granted for this development.

Waste and Recycling Officer (Swisco)

22.08.2023 Roads not indicated as adopted. SWISCo will not drive onto unadopted highways to complete collections unless they are built to adoptable standards and formal indemnity is provided. Need swept paths for vehicles collecting individual containers and communal containers. Please use the correct dimensions for swept paths.

Collection points are not indicated – these need to be on the highway for individual collection and from the store for communal collections via adopted/adoptable surfaces.

Commercial units need to make their own arrangements for recycling and waste collection. Request waste management contributions for this development: £90 per dwelling for provision of bins and £72 per dwelling towards collection service vehicles. As per the table in SPD.

Follow-up: see Highways comments below.

Highway Authority (Swisco) and Transport Planning

23.08.2023:

Based upon the information submitted at the time of writing, the Highway Authority considers the PICS data, trip generation and visibility splays provide in the Transport Statement to be acceptable. The development would not result in severe impact on the operation or safety of the local highway network.

The indicative layout demonstrates provision of 1 car parking space per flat and two per house. EVCPs at 20% for flats and one per house is to be provided. The cycle store provision is indicated. These are acceptable.

A site layout road adoption plan will be required to accord with the Torbay Council Highway Design Guide Standards. If not adopted, a Road Management Plan will need to be provided together with confirmation of private refuse collection.

Servicing for commercial unit will need to be addressed please confirm type of development. Pedestrian crossing needs to be away from site vehicle access on Waddeton Close.

Recommends a condition securing construction of roads to adoptable standards. Necessary s106 or s278 works will be sought to make the scheme acceptable. S106 Sustainable Transport contributions will be sought without prejudice to CIL liability. Travel Plan needs to include SMART targets of 30% of users using sustainable modes (Policy TA2 of TLP).

02.11.2023:

Resolution of road adoption proposals together with a Highway Adoption Plan will be required for part of Waddeton Close (straight part) and a Road Management Plan will be required for the northern access point.

The swept paths for the site are acceptable. Detailed locations of bin store for dwellings on northern part of site will need to be provided with a servicing plan (Waste Management) as this access road is not shown as being for adoption. The proposed pedestrian crossing point on Waddeton Close will need to be moved to over 5m from the junction. The Travel Plan should include provision to appoint a Travel Plan Coordinator.

Public Transport 27.09.2023 and 30.10.2023: This area is served by bus services 13 and 23 and also SB1. No objection subject to following improvements to be secured through a s106 agreement:

- Replace shelter on White Rock Way/Waddeton Road with Fernbank Shelter and seating, land to be adopted by Council
- Retain existing bus stop layby and clearway on Waddeton Road
- Relocate south bound bus stop on White Rock Way and provide shelter – location dependent on detailed layout at RM stage.

Also discussed possibility of bus stop on other side of Waddeton Way and pedestrian crossing but understand these are in other ownership. Sustainable transport contributions would be CIL funded.

Sustainability Officer 22.08.2023

Recommends a condition securing a detailed energy and sustainability statement at reserved matters stage that will outline the specific detail incorporated into the site to meet Policies SS14 and ES1 of the Local Plan. This should identify how the site will conserve energy, use energy-efficient fabric and construction and use on-site or near-site low-carbon and renewable technologies. It should also include materials, design, water consumption, waste management travel planning and carbon offsetting.

Wales and West Utilities

There are intermediate/high pressure gas mains in proximity to the site. No excavations are to take place above or within 10m of confirmed position of these mains without prior consultation with Wales & West Utilities. Safe digging practices must be used to verify actual position of the apparatus on site.

National Grid

No objection. There are no National Gas Transmission assets in the area. There are no National Grid Electricity Transmission assets affected in this area.

South West Water 21.08.2023

No objection. South West Water is able to provide clean potable water and provide foul sewerage services.

The proposed surface water discharge into the surface water sewerage network is acceptable and meets the Run-off Destination Hierarchy. The applicant/agent is advised to contact South West Water if they are unable to comply with our requirements with regards to Asset Protection, Clean Potable Water, Foul Sewerage Services and Surface Water Services.

Police Designing Out Crime Officer 11.08.2023

No objection. Advises of the Building Regulation requirements for ADQ and recommends Secured by Design suppliers for door and windows to all ground floor, basement and easily accessible windows. Comments specific to this development:

Design

Crime, fear of crime, ASB and conflict are less likely to occur if the following attributes of Crime Prevention through Environmental Design (CPTED) are also 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.

Pathways where possible, should not be designed so they run directly adjacent to rear or side boundaries of dwellings or close to doors and windows as this has proven to generate crime and ASB.

Structure – (Design & Layout) –

Places should be structured so that different uses do not cause conflict.

Surveillance (Natural, Formal & Informal) –

Places where all publicly accessible spaces are overlooked. LAPs and LEAPS should be located where there is natural surveillance from nearby dwellings - there is a concern that one of these may lack surveillance.

Ownership –

Places should promote a sense of ownership, respect, territorial responsibility and community. Boundaries between public and private spaces should be clearly defined and open spaces must have features that prevent unauthorised vehicular access.

Physical protection –

Places that include necessary, well-designed security features as required by ADQ and SBD Homes 2019. Rear boundary treatments must be robust and attain a minimum height of 1.8 m. If greater surveillance is required, the solid boundary treatment could be reduced to 1.5m with a trellis topping of 0.3m or 0.6m. Where gates are installed for access into private rear gardens these should be the same height of the adjoining boundary treatment, robustly constructed and be lockable from both sides, by means of a key for example.

Rear access paths should be gated with access controlled for the associated residents only. Gates should be as near to the front of the property as possible.

Communal bin and cycle stores should be lockable and have emergency egress.

Activity –

Places should have an appropriate level of human activity to the location and create a reduced risk of crime and a sense of safety at all times.

Management and maintenance –

Places should be designed with management and maintenance in mind, to discourage crime in the present and the future.

Parking -

Lighting proposals welcomed.

Natural surveillance of southern parking court should be improved -i.e. from active rooms (kitchens/living rooms)

Signage recommended to inform the private parking for residents.

Planning Officer Assessment

1. The Principle of Development
2. Design and Visual Impact
3. Residential Amenity
4. Highways Access and Safety
5. Landscape and Green Infrastructure
6. Ecology and Biodiversity
7. Flood Risk and Drainage
8. Low Carbon Development
9. Affordable Housing
11. Housing Supply

1. The Principle of Development

The proposal is for outline planning permission for up to 60 residential dwellings on the land. The relevant policies of the Development Plan are Policies SS1, SS2 and H1 of the Torbay Local Plan (TLP), Policies PNP21 of the Paignton Neighbourhood Plan (PNP) and the NPPF.

Policy SS1 identifies White Rock as a Strategic Delivery Area and a sustainable location for future growth. Policy SS2 identifies White Rock as Future Growth Area (SDP3.5 White Rock). The application site forms part of the Future Growth Area where there is a presumption in favour of sustainable development.

Policy SS3 sets out that planning applications that accord with the policies of the Local Plan and Neighbourhood Plan will be approved.

The application site is part of the wider White Rock development site identified in the PNP (Policy PNP21) for employment and housing development, enhancement of South Devon College, ecological assets and community uses.

With regards to the history of the application site under previous planning approvals, it was identified as part of the Local Centre of White Rock and indicative layout plans (approved Access and Design Statement, 14912 V2 under outline permission P/2011/0197) showed some office accommodation, some housing and some open space. However, the site was not the subject of any reserved matters applications under the outline permission, which has since expired (April 2016) and no timing for delivery of the local Centre was agreed. No subsequent planning applications have been submitted for the application site. As such no specific use or development has been previously approved for the land.

Housing

While the application site has not been identified as a specific allocation in the Torbay Local Plan 2012-2030 or the PNP for additional units, the proposal to provide housing on this site is, in principle, one that is in accord with the Policies of the TLP and the PNP.

Policies SS12 and SS13 set out the Council's intention to maintain a rolling five-year supply

of deliverable sites. Policy H1 of the TLP states that proposals for new homes within the Strategic Delivery Areas will be supported subject to consistency with other Policies of the Plan and subject to nine criteria, notably including the need to provide a range of homes to meet the objectively assessed needs and maintain a rolling 5-year supply of deliverable sites.

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 (site allocations) are considered to be out of date. The policies, therefore, should be afforded limited weight within the current decision-making process. In terms of determination of applications for housing the 'tilted balance', as set out in Paragraph 11 of the NPPF, 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 summary, while the site may not be specifically allocated in the Neighbourhood Plan, it falls within a Strategic Delivery Area and accords in principle with the Policies of the TLP and the area designation in the PNP of the White Rock Area.

The site has been put forward in the HELAA review 2022/23 (Site reference number 21P079) for residential use with a yield of 60 dwellings (or equivalent). It is graded yellow (minor constraints). The outcome of this review is pending.

Due to the reasons stated above the principle of residential development on this site is accepted, when considering strategic policies SS1, SS2 and SS12 of the Torbay Local Plan and Policies PNP1 and PNP21 of the Paignton Neighbourhood Plan, and the Development Plan as a whole.

Commercial Use

Policies SS1 and SS2 of the TLP and Policy PNP21 of the PNP support the provision of employment opportunities in the White Rock area.

The outline planning permission for White Rock included employment space. Development further to the outline permission has occurred at the Local Centre (e.g. Epic Centre) and industrial units at the Western Bowl.

The current submission includes a small amount of commercial/community space on the site (approximately 66sqm GIA or up to 70 Gross net). The provision of a commercial/community space would potentially create employment opportunities in the locality. The purpose has not been specified but the applicants suggest that a use falling within Class E (commercial) or F2a) and b) (essential local shops or meeting places for the principal use of the local community) would be appropriate. It is considered that these uses are compatible with the residential area. The amount of commercial space and its use class can be secured through a planning condition and this is recommended.

Public Open Space

Policy SC2 of the TLP states that new developments should provide access to sport, leisure and recreation facilities to assist in delivering a healthy environment. Policy SC5 seeks the provision of open/play space and access to urban greenspace to provide local, affordable activities and play spaces to contribute towards reducing child poverty across the Bay. These policies are relevant to new housing developments and especially those including family-sized homes and affordable housing.

Historic situation

The original outline permission for White Rock included 15Ha of open space in the description of development for the White Rock site overall. The approved development indicated provision of more than the minimum amount of sport and open space facilities set out in the SPD of the time. The original s106 agreement for the outline permission sets an obligation to provide public open space of certain areas for provision of a playing pitch, MUGA and 3 play areas. These were to be provided within the overall total of 15Ha of open space. The deed of variation relating to the Sports facilities made amendments the required pitch sizes and permitted transfer of the sports pitch areas to South Devon College to manage. The College allows community use of these facilities for a reasonable fee. The play areas and some areas of informal open space are open to the public.

Nevertheless, the description of development remained the same and includes 15Ha of open space. Calculations by the applicant identify that 14.58Ha has been approved or is in the process of being provided through the sports areas, residential phases and allotments.

The Council's pre-application response to the developer on the current proposals set out that the Council would expect any development proposals for this site to include a significant amount of high-quality public realm/open space and seek to deliver some of the previous aspirations for connectivity, recreation and place making at the core of the White Rock area.

Current Application

With regards to the 60 additional dwellings in the proposed development, these are CIL liable and contributions towards leisure and open space would be provided through that mechanism. However, the current SPD (2022) requires some on-site provisions. Table 4.10 sets out a guideline threshold for developments of over 50 dwellings to provide both a Local Area for Play (LAP) and a LEAP (Local Equipped Area for Play) and some informal green space on-site (25sqm per person). Where open space is provided on-site an arrangement for maintenance is required.

The current application indicates provision of 0.32Ha of public open space as shown in the Illustrative masterplan. The proposed housing size mix would yield a likely population of 131 people. An area of 0.32Ha would meet the requirement for 25sqm per person.

The illustrative layout also includes a LAP, a LEAP and footpaths connecting through the site to residential areas and the Local Centre. The proposals include indicative shrub and tree planting. The illustrated level of provision would be Policy compliant for the new dwellings.

The illustrative layout would achieve connectivity and permeability between the local centre, public transport services and the recently developed residential areas at White Rock.

It is recommended that the quantum of public open space and play facilities is secured through conditions and that details be submitted with the first reserved matters application. The Green Infrastructure Team have commented that the public open space would be suitable for adoption and request that the land be offered to the Council for adoption with a 25-year maintenance fund. This can be secured through a s106 agreement and this is recommended.

Summary

The provision of 0.32Ha of public open space in this central location would provide policy compliant public open space for the proposed 60 dwellings. In addition, it would reduce the shortfall of open space on the overall White Rock site from 0.42Ha to 0.1Ha.

In principle, the proposals for housing, commercial space and open space are in compliance with Policies SS1, SS2, SS3, SS13, SS14, H1, SC2 and SC5 of the TLP and Policies P1 and PNP21 of the PNP and the NPPF.

The principle is subject to other material considerations including the Local Plan Policies, which set out criteria that must be met to achieve satisfactory sustainability and design. In this location Policy SS2 requires developments to provide a bespoke mitigation plan for the Greater Horseshoe Bats to demonstrate sustaining an adequate area of non-developed land for local foraging and flyways. Developments are also required to deliver a range of housing types including family and affordable housing, links to services, facilities, integrated green infrastructure and high-quality design including sustainability and energy efficiency, which are discussed in more detail below and found to be acceptable.

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

The application seeks consent for the location of the proposed access, being in outline with all other matters reserved for future consideration. The submitted information does include an indicative site layout and potential character and appearance of the development. It is necessary to consider whether the submitted illustrative details indicate and ultimately provides sufficient comfort that the amount of development (up to 60 dwellings and one commercial unit) could be appropriately achieved in terms of its layout, design and character, without undue visual impact.

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

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

Design outcomes are also prominent within the PNP with PNP1 (Area Wide) including reference to enhancement of local identity, PNP1(a) citing the importance of development responding positively to its context when in the Rural Character Area, PNP1(c) again identifying the importance of strengthening local identity, and PNP21 (White Rock) expresses the importance of sensitive development within its context.

Scale and density

The site area is 1.2Ha. The proposal for 60 units on the site would result in a density of 50 dwellings per Hectare. While this is at the upper end of density range for the area, the site is on the edge of the local centre and circumvented by estate roads which achieves both separation from neighbouring dwellings and ease of access from the roads. The indicative layout and appearance provide an indication of whether the amount of proposed development can be satisfactorily accommodated on a site.

The indicative masterplan demonstrates a scale of development in the south of the site that reflects the three-storey, terraced urban form on the opposite side of White Rock Way. At the northern end of the site a four-storey apartment block would not be out of keeping in terms of height and form with the adjacent commercial buildings at the Epic Centre and the hotel.

Site Sections illustrate the prospective heights and form development would be achievable without being unduly bulky in the townscape. The indicated open space would provide a green boundary to the western side of the site and create spacing between the new development and the two-storey houses to the west. This spacing depends upon securing the open space as part of the development, together with planting.

Layout

The application is supported by an Indicative Masterplan that presents a potential layout for the proposed volume of development. The layout proposes two vehicle accesses from Waddeton Close to provide culs-de-sac providing access to parking areas at the north end and south end of the site.

The proposal takes the opportunity presented by the site's position to provide much-needed connectivity between the new residential areas, the local centre and transport facilities with an attractive green swathe and footpath connections through the centre of the site on the east-west axis.

The illustrative layout indicates that car parking would be provided to meet the requirement for two spaces per house and one per flat. The layout also indicates gardens for the houses. The flats do not have allocated private amenity areas in the indicative layout. However, there is potential for balconies and the overall site indicates provision of public open space in the central area adjacent to the flats. Details would need to be assessed at Reserved Matters stage. The location of the site, adjacent to the local centre and Waddeton Road, raises issues of ambient noise (see amenity section of this report).

In terms of the character, the layout presents a transition between the commercial form of the Local Centre and the residential areas to the south and west. It also takes the opportunity to create a pleasant connection route and vista across the site with space for play and informal leisure.

All matters considered the indicative layout and arrangement of buildings and landscaped areas is considered acceptable.

Appearance (form and materials)

The indicative masterplan presents a part commercial edge/part high density residential layout. The appearance of the terraced houses with ridged roofs of uniform type on the south end of the site echoes the style of the houses on the south side of the White Rock Way. Materials would be determined at Reserved Matters stage.

The bulk of the four storey, flat-roofed block is indicated on the Illustrative Site Section drawings. The facades would require some texturing and breaking-up to achieve a less blocky, monolithic appearance in the location between commercial and more traditional houses. However, such details would be determined at Reserved Matters stage.

Based on the indicative information provided, the proposed development is, for the reasons above, considered to demonstrate the potential to provide a satisfactory form of development in terms of layout, in accordance with Policies SS2, SS3, H1 and DE1 of the Torbay Local Plan, Policies PNP1 and PNP21 of the Paignton Neighbourhood Plan and

the NPPF.

3. Residential Amenity

The TLP 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 PNP, 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

The quality of the future residential environment is assessed in terms of 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 submitted Design and Access Statement indicates that these would be 3-bedroom houses and 1 and 2 bedroom flats. The housing mix and number of bedrooms is not defined in the description of development and could vary at Reserved Matters stage. The submitted layout is indicative and therefore the compliance of the scheme with policy design expectations cannot be fully assessed at this stage. The layout also indicates gardens for the houses of around the 50-55sqm. The flats do not have allocated private amenity areas in the indicative layout. However, there is potential for patios/balconies (subject to the clarification of boundaries between private and communal spaces) and the site layout indicates provision of public open space in the centre. Details would need to be assessed at Reserved Matters stage.

The layout indicates parking facilities, which appear, on average, to be in accordance with the standards in the Torbay Local Plan.

The distances between properties are generally 20 to 25m or more for directly facing elevations. Due to the indicative nature of the outline proposals, the window positions are not definite. Satisfactory distance and orientation are more reliable resolutions of intervisibility issues. The indicative layout shows that these could be achieved, although detailed assessment would be necessary at Reserved Matters stages. There may be some natural overlooking of gardens, but this is commonplace within residential environments and there are no unacceptable, i.e. overly dominant, relationships. In terms of the internal living spaces all houses and flats are indicative at this stage and would be assessed in detail at Reserved Matters stage.

In terms of ancillary elements of parking, cycle parking and waste storage, details would be sought on the location and form of cycle parking and bin storage to meet required standards at reserved matters stage.

Noise

The NPPF requires development to avoid noise giving rise to significant adverse impacts on health and the quality of life. The recommended NPSE Policy reinforces this approach and aims for developments to mitigate and minimise adverse impacts on health and quality of life. Expected internal and external noise levels are set out in BS 8233:2014. Noise levels should not exceed 35dB in living rooms and 30dB at night in bedrooms. For external amenity spaces this figure is 50dB and, in locations close to strategic roads, 55dB.

The application site is adjacent to the supermarket and Epic centre delivery areas and car parks on a rear access road (Waddeton Close) behind the Brixham Road frontage. The other sides of the site are also bounded by roads: White Rock Way and Waddeton Road which lead to the residential areas on White Rock and the lanes to Waddeton and Stoke Gabriel villages. These roads are well-used throughout the day and evening.

An acoustic report was submitted, which assessed the impact of noise from the local road network and surrounding commercial use on the residential environment of the site. The report concluded, in Section 8, that it would be necessary to design the fabric and ventilation of the proposed dwellings to control the levels of internal environmental noise to meet the BS levels (construction, insulation on elevations, glazing and ventilation) for most elevations of all buildings. Section 9 shows that the amenity areas would have noise levels of below or equivalent of 50dB during day times if 1.8-metre-high (10kg/m²) fences are installed.

It is recommended that a condition is applied requiring the internal and external noise levels to comply with BS standards and for details of mitigation measures to achieve those standards be submitted at RM stage and evidence that the levels are achieved be submitted prior to first occupation.

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.

Neighbouring occupiers

The construction phase would have some temporary impacts on the amenity of neighbouring occupiers.

Concerns were expressed by neighbouring occupiers over the following:

- Noise, dust and disturbance from construction work -impact on health
- overdevelopment

Highway, parking and ecological impacts are considered in Sections 4, 5 and 6 of this report.

The construction phase will naturally have some temporary impacts however such impacts are not unusual and can be limited through restricting hours of construction and delivery and agreeing processes to limit noise, dust and construction movement and parking impacts through a planning condition requiring a Construction Management Plan.

The proposed residential use aligns with the residential uses nearby and the additional dwellings would not result in undue noise or general disturbance for existing occupiers in the area.

Details of the scale and appearance would be established within future reserved matters applications, but the indicative layout and sections illustrate that the scale of residential development proposed would be unlikely to result in significant loss of outlook or natural light. The properties are expected to be set at appropriate distances from the front elevations of houses in White Rock Way and Waddeton Road. The indicative layout shows that most facing elevations are 25m apart. Details of the layout and windows positions would be submitted as part of reserved matters applications and the issue of privacy and avoidance of overlooking would be fully assessed at that stage. There is likely to be some natural overlooking of gardens, but this is a common situation within residential

environments and there are not unacceptable, i.e. overly dominant, relationships in the indicative scheme. The submitted proposal is, therefore, considered to demonstrate a reasonable level of amenity for future and existing occupiers.

A range of conditions are recommended to ensure that adequate details are submitted for the Council's consideration at RM stage. These include details such as boundary treatments, refuse storage, landscaping, and so on. However, based on the indicative masterplan and supporting information currently submitted, it appears that a development of up to 60 dwellings could, in principle, be achieved at the site in terms of its layout, appearance, scale, and the associated impacts on visual and residential amenity.

In summary, and subject to conditions, the proposed access arrangements, indicative layout and supporting information are considered to demonstrate the potential to provide a satisfactory form of development, in terms of protecting the amenities of adjacent occupiers or the school, in accordance with Policies DE1 and DE3 of the Torbay Local Plan, Policy PNP1 of the Paignton Neighbourhood Plan and the NPPF.

4. Highways Access and Highway Safety

The NPPF guides that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree (Para 108).

It also states (Para 109) that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy TA2 of the Torbay Local Plan states that all development should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. For major developments this means that a good standard of access for walking, cycling, public and private transport should be provided.

The site falls within the Western Corridor area identified in the Paignton Neighbourhood Plan (PNP22). In this area development proposals are required to enable or provide active travel facilities, wherever achievable. The policy seeks to secure safe and continuous cycling and pedestrian pathways to schools, employment areas and across countryside. Area-Wide policies require that sustainable modes should be encouraged and that suitable parking and cycle facilities be provided within residential developments.

Site Access

The Outline application seeks approval of the proposed accesses into the site. This includes consideration of vehicle access and access for other forms of transport such as walking and cycling in the context of existing connectivity.

Vehicle Access

With regards to vehicle and cycle access, the development would be served by two new accesses from Waddeton Close on the east of the site. The Councils' Highway Engineers and Strategic Transport Officer have considered the junction positions and supporting transport information and have raised no objections in principle in relation to the proposed vehicular access arrangements. However, they have requested that a highways adoption

plan be submitted. An indicative road adoption plan for the illustrative masterplan was submitted. The extent of roadway considered for adoption will need to be considered at Reserved Matters stage. A road adoption plan can be secured by condition further to Reserved Matters details for layout and this is recommended. The Highways Engineers comment that the straight part of Waddeton Close would be acceptable for adoption. The bend would not be adoptable due to the angle of the bend and visibility splays. They request a Road Management Plan for the northern access point.

Visibility splays

The proposed site access points from Waddeton Close are shown on the illustrative layout. Waddeton Close would be adopted from the south end (junction with White Rock Way) to the northern access point. This stretch needs to be designed and constructed to adoptable standards in order to be adopted. The new junctions would require adequate visibility splays for vehicles and pedestrians turning into the site.

The visibility splay drawings in the submitted in the Transportation Assessment (reference P2023-0621-2 v2) for both new vehicle accesses from Waddeton Close are considered acceptable by the Highways Department.

Pedestrian Access

With regards to pedestrian access, the illustrative layout shows two pedestrian routes across the site: one through the southern housing area and one through the public open space. Both would run from the shared foot/cycle way on Waddeton Road to Waddeton Close near to the pedestrian link from the rear of the supermarket.

The Highway Authority commented that the southern vehicle access and the pedestrian crossing point at the rear of the supermarket present a potential conflict between vehicles and pedestrians and recommended that the access be moved so it is not directly opposite the pedestrian access.

A Technical Note (KTC September 2023 v4 and referenced P-2023-0621 (Response to Comments – Tech Note) proposed provision of a Zebra crossing just north of the southern vehicle access which would link into the footpaths on the application site.

Highway Authority response indicated that the location shown (on Drawing Number 1127-106) in the Technical note would need to be amended to position the crossing at least 5m from the site access junction. There appears to be space to achieve this requirement.

It is recommended that the provision of the pedestrian crossing over Waddeton Close be secured as part of the s38 and that details be submitted at RM stage.

Cycle Access

Direct access to the site by cycle is not specified. The west side of the site is bordered by the shared footway and cycle path along White Rock Way and Waddeton Road. The Local Centre is also served by this route which continues on to the South Devon College to the north and east across Brixham Road to connect with the south route to wards Hookhills. Given this connection, no additional cycle routes are proposed.

PICS

The applicant provided PICs data and the Highways Department considers that there are no operational safety issues that would be exacerbated by the proposed development.

Public Transport and Sustainable Transport

The development would generate net additional trips but not that would give rise to the need for additional works to the highway junctions on the surrounding highway network.

The development is CIL liable and sustainable transport contributions are normally sourced through that mechanism. Site-specific measures may be secured through a s106 agreement to promote active travel or improve the accessibility of public transport.

The site is served by a bus-stops for routes 13 and 23 and SB1 on the west and south sides of the site on Waddeton Road (existing stone shelter) and White Rock Way (lamppost 7A). The existing stone shelter is in a poor state of repair and does not currently have a flag. The stop at Post 7A has no shelter.

Discussions with Public Transport Team of Torbay Council has secured agreement to: remove this existing bus shelter, replace it with a "Fernbank" shelter, supply a flag and the Council adopt the land upon which it would sit to include it in the Council's maintenance and repair schedules. This can be achieved through a condition and appropriate legal agreement (s38/s106) and this is recommended.

The position of the second stop, on White Rock Way, may be affected by the development, depending upon the detailed layout. The Highways and Strategic Transport Teams require the bus stop to be provided with a two-bay shelter and the position to be agreed with the Highways Authority with regards to traffic safety and keeping the shared foot/cycle paths clear. Highways have commented that the proposal to move the bus stop to a lamp post outside the supermarket land would impact traffic safety and flow on WhiteRock Way. In addition, the shared cycle/footway would need to be kept clear. Therefore, a bus stop and shelter (or a footpath diverting around a shelter) would need to be provided within the application site.

As this matter depends upon the detailed layout it is recommend that a review to achieve a safe and convenient facility is undertaken at reserved matters stage and secured through a condition and appropriate legal agreement (s38/s106) further to this outline application.

Parking

Policy TA3 and Appendix F of the Local Plan states the minimum dimensions for parking spaces and garages.

The submitted Design and Access Statement and Transportation Assessment set out that each flat (36) would be provided with one car parking space and each house (24) with two spaces (total requirement 84 spaces). The open spaces (71) are shown on the indicative layout plans. This leaves thirteen spaces to be provided as integral garages, which is feasible in the submitted illustrative layout (13 houses having frontage parking spaces accessed from roadways).

This meets the requirement set out in Appendix F of the TLP and demonstrates the capacity of the site for the number of dwellings. The detailed internal site layout, parking provisions, garage dimensions and hard landscaping would be the subject of reserved matters applications.

The submitted documents set out that electric charging for one vehicle at each dwelling would be provided. Details can be sought to accord with Development Plan expectations, at reserved matters stage. This can be secured through a condition, as recommended.

Cycle storage for dwellings could be provided within private amenity areas. For flats these would need to be in secure and weatherproof stores. The illustrative layout shows these as accessed from outside and in one case detached from the buildings they would serve. In practice, cycle parking and bin stores should be internal to the flatted blocks to prevent vandalism/anti-social behaviour. Details to meet this requirement can be secured at reserved matters stage through a condition and this is recommended.

Neighbouring occupiers have expressed concern about the potential for overspill parking on the roads around the site. However, the outline indicative proposal demonstrates that the Council's parking standards could be met. Proposals submitted under Reserved Matters applications would be required to comply with those standards. As such, the outline proposal is unlikely to result in significant impacts on highway safety and convenience of neighbouring road users as a result of parking overspill.

Internal Road Network

The Outline application seeks approval for site access. Site layout matters, including internal roads and paths, are reserved matters.

However, an indicative layout plan (2482-P1) and Permeability Plan (2482-P4) have been submitted. This shows that vehicles and pedestrians would have segregated surfaces giving access to each dwelling by foot from the footways and also from parking spaces and parking courts.

The proposed network is considered acceptable in principle. Consultation with Highways and Waste raised points for clarification, such as swept paths for refuse vehicles being accommodated within the adopted highway and lighting. A road adoption plan (1127-005B) and swept path diagram (Figure 4A) were submitted in the Technical Note (KTC v4 Sept 2023) response to highway comments.

These were assessed by Highways and found to demonstrate acceptable waste and emergency vehicles access to the southern part of the site. Details would need to be compatible with highway adoption standards. A Waste Management Plan and details of bin store locations would need to be submitted with Reserved Matters applications for layout.

Full details can be secured by condition to be provided with reserved matters applications for layout.

The proposal is considered to demonstrate an acceptable road layout, subject to the conditions recommended above.

Travel Plan

A Travel Plan Statement has been submitted with the application (referenced P-2023-0621-3 July 2023). The Statement outlines a strategy of providing cycle parking and electric vehicle charging points, a residents' travel information pack, sustainable travel vouchers towards active travel products (public transport tickets, cycles, fitness tracker to value of £150 per dwelling), a residents' notice board, information about public transport and car sharing networks.

It is recommended that the implementation and monitoring of the Travel Plan be secured through Section 106 obligations.

Highways Summary

Considering the points above, and having regard to guidance contained within the NPPF, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (Para 111), the proposal is, subject to securing site-specific transport obligations, considered acceptable on highway and movements grounds, and in accordance with the Policy TA2 of the Torbay Local Plan, The Paignton Neighbourhood Plan and the NPPF.

The proposals, subject to conditions recommended above, are considered to present an acceptable scheme in terms of access and demonstrates an acceptable layout, 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.

5. Landscaping, Green Infrastructure and Public Open Space

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

At a local level the TLP seeks high quality landscaping in Policy DE1 and Policy C4 states that development will not be permitted where it would seriously harm protected trees or veteran trees, hedgerows, ancient woodlands or other natural features of significant landscape, historic or nature conservation value. The policy also states that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity role.

Policy PNP1(c) of the PNP includes reference to development proposals retaining existing natural features where possible, providing hedgerows on at least one boundary and including tree planting.

The illustrative masterplan layout and the submitted Tree Survey, Arboricultural Impact Assessment and Tree Protection Plans show retention of a line of mature trees in the centre of the site (3 pines and two silver birch) and replanting of the hedgerow/hedge-bank just inside the western road boundary. All other trees are shown as removed. Compliance with principles of these documents can be secured through condition. A scheme for tree protection will be required at RM stage.

With regards to the proposed planting scheme (920-01C – Planting Plan), the use of larger canopied and native species is recommended by the Arboricultural Team. In consequence, a scheme for enhanced shrub and tree planting within the street-scene, communal grounds of the flat developments and the public open spaces would be required as part of detailed landscape plans at reserved matters stage. In addition, details of the means of enclosure of the private spaces including communal grounds around flatted developments and the commercial space shall be required as part of the landscape schemes.

Off-site replacement planting is proffered in the Biodiversity Net Gain Strategy (see Ecology Section below). The provision, of any new boundary planting on the garden/road interfaces would also need to be secured through reserved matters (landscaping) and a LEMP.

Public Open Space

Residential developments are required to provide play and open spaces wherever practicable. Local Plan Policy SC2 sets a framework for provision of new recreational development. Policy SS9 Green Infrastructure is also relevant and advocates links between open spaces and residential areas. The Council's Adopted Planning Obligations

and Affordable Housing SPD requires on-site provision in schemes of this size (over 50 dwellings) of a LEAP and a LAP and informal open space of 25sqm per person.

As set out earlier in this report the illustrative scheme includes 3.2Ha of public open space, a LEAP and a LAP. It is recommended that these provisions are secured through a condition and that their provision is timely in accordance with a phasing plan to be submitted at reserved matters stage.

The Council's Green Infrastructure Team have indicated that adoption of the open space by the Council would be sought. This would require a contribution towards maintenance for a 25-year period. These can be secured through s106 agreement, and this is recommended.

Subject to the recommended conditions and s106 obligations, the outline indicative scheme is considered to present a scheme that is consistent with the 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, C4 and SC2 of the Torbay Local Plan and Policy PNP1(c) of the Paignton Neighbourhood Plan and the NPPF.

6. Ecology and Biodiversity

Policies NC1, SS2, SS8 and SS9 of the TLP and Policies PNP1, PNP1(a) and PNP21 of the PNP and guidance within the NPPF require development to duly consider biodiversity and take opportunities for enhancement, proportionate to the context and development. Policy PNP21 d) seeks to improve the connectivity of local ecological and wildlife assets.

The key ecological issues relate to the use of the site by bats including Greater Horseshoe Bats (GHBs), along with considerations regarding cirl buntings and reptiles (together with broader biodiversity enhancement aspirations).

Ecological Impact Assessment

An Ecological Impact Assessment (NPA, 10874_124-P02 dated 24.04.2023) was submitted with the application, which identified that:

- there is bat activity on the site,
- there are two trees with bat roost potential,
- loss of 180m of species-rich priority habitat hedgerow and 2 trees
- loss of other habitats of lower conservation significance e.g. semi-improved grassland and scrub.
- Moderate potential for reptiles, invertebrates and nesting for birds
- Foraging by cirl buntings cannot be ruled out (but were absent from the site in latest survey and site isolated from farm hedgerows).

The report advocated the following mitigations:

- 100m of hedgerow around west boundary of site
- 40 trees (50% native)
- 0.1Ha of diverse/meadow grassland on-site
- 1.2Ha of Off-site BNG in field nearby (para 2.34 and Image 1)
- Tree protection fencing prior to construction,
- A LEMP to set out sensitive management of habitats
- Integrated bat and bird boxes in dwellings and on retained trees
- Planting to create off-site habitat for a range of common bat and bird species,
- Limit light impacts
- Avoid vegetation removal during March to August nesting season,
- Sensitive vegetation clearance and site construction,

The DCC Ecologist questioned the date of reptile and cirl bunting surveys, use of trees in pots, and lack of detail in the BNG metric over areas of habitat lost and created. The questions were resolved over the course of the application.

Lighting

A Lighting Assessment was submitted (Hydrock, Ref No 27111-HYD-XX-XX-RP-E-0001, dated 14 February 2023) with regards to ecological impacts, principally minimising light spill onto neighbouring residential properties. The recommendations are for lighting for E2 Rural setting: street lamp columns to be 4m -5m high (R2L2 by Thorn Lighting), low intensity LED lights.

Compliance with these parameters and details of a lighting scheme can be required at Reserved matters stage through a condition.

HRA

A Habitat Regulations Assessment was requested by Natural England as the site has a potential bat roost and lies within a known flyway of the Greater Horseshoe Bat (GHB) associated with the South Hams Special Area of Conservation (SAC).

The DCC Ecologist concluded that subject to achieving the outlined mitigation through planning conditions the development would not have a likely significant effect on the South Hams SAC. A HRA is not required for this scheme.

Biodiversity Net Gain

Policy NC1 of the TLP and paragraph 179 of the NPPF seek biodiversity net gain on development sites. The applicants have submitted a summary biodiversity net gain metric and strategy for this outline application.

Biodiversity Net Gain Strategy in EIA

- to achieve net gain through on-site mitigation (as set out in the EIA and Illustrative Planting Plan (RedBay Design 920/01 Rev C and 920/02 Rev C)) and
- off-site mitigation on part (1.2Ha) of a field adjacent to White Rock identified in EIA at Image 1) to be changed from winter feed crop to 1.1Ha diverse grassland (hay meadow with tussocky edge) and 0.1Ha native mixed scrub and 300m of mixed hedgerow and trees.

NB this part of field is not part of the Ecological Mitigation works for either White Rock or Inglewood or Limekiln Close developments.

Biodiversity Baseline Metric – (Referenced P-2023-0621-7) is based on the outline strategy and illustrates the following:

- a loss of habitat units on the site, to be addressed through on-site and off-site mitigation,
- Overall, a net gain of 86% in habitats (83% if private gardens and tree in pots are excluded) and a net gain of 50% in hedgerows.

The Council's Ecology Advisor has concluded that there is no reason for refusal of the planning application on broader ecological grounds provided the proposals are implemented and maintained in accordance with the ecology documents that have been produced subject to conditions.

Future reserved matters can be conditioned to include detailed measures to enhance biodiversity on-site in accordance with the outline BNG Proposals in the EIA and accompanying planting plans.

The off-site BNG proposals can be conditioned to be provided prior to development/vegetation clearance and the works secured through a s106 obligation.

To ensure protected species and habitats would not be unduly harmed and that the biodiversity net gain aspirations can be met, in accordance with guidance contained within the NPPF and the Development Plan, the following conditions are recommended:

1. A Construction Environmental Management Plan (CEMP) to include lighting and other measures of environmental protection during the construction phase (c7),
2. A Landscape and Ecological Management Plan (LEMP) habitat creation, species specification and management of on-site and off-site land for 30 years (c8),
3. No vegetation clearance or demolition during bird nesting season (c11)
4. Implement mitigation measures in accordance with the EclA and any requirements under licence from Natural England (including a pre-commencement badger survey and mitigation/compensation measures) (c12)
5. RMs to include bat roosting and bird nesting boxes in buildings and on retained trees (c12)
6. An ecological monitoring strategy shall be submitted for approval (c13).
7. RMs shall include a detailed Lighting Scheme (c14)
8. No veg clearance on-site until off-site BNG measures implemented (c15) and
9. RM's shall include submission of detailed on-site BNG proposals (c15).

It is anticipated that the ecological mitigation measures associated with this development would give rise to a need for one full day of monitoring per annum, to assess the bat mitigation, off-site habitat creation and linkages to the surroundings. Monitoring would be carried out over 30 years. Charged at a rate of £300 per day, this results in the requirement for a monitoring contribution of £2,400. This can be secured through a s106 planning obligation.

Derogation Test

The authority must consider whether the proposal meets the three derogation tests of the Conservation of Habitats and Species Regulations 2017 (as amended), and accordingly whether Natural England are likely to grant a Bat Mitigation Class Licence which would permit the proposal to lawfully proceed, should one be applied for. The tests are sequential. The third test the DCC Ecologist concluded below.

i) There must be 'no satisfactory alternative';

ii) The consented operation must be for 'preserving public health or public safety or other imperative reasons for overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment';

iii) The action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

With regards to the first test "a satisfactory alternative" is a scheme that delivers the objective that the project is seeking to deliver in a way which is less damaging to European sites when compared to the original proposal. The project proposes provision of 60 residential dwellings and commercial space. No other satisfactory alternative sites have been put forward to make this provision.

With regards to the second test, the Council is required by the Secretary of State to ensure sufficient housing land to meet the objectively assessed need for a five-year supply of housing. Torbay Council currently has a 2.52-year supply. The site would contribute to meeting the identified need, which is a public interest of significant weight with social and economic benefits. Given the context of housing land supply, the proposal is considered to be an overriding public interest and to meet the first two derogation tests.

With regards to the third test, the DCC Ecologist considers that, given the mitigation and compensation measures included within the Ecological Impact Assessment and the Biodiversity Net Gain Strategy, the third test of the Habitats Regulations is satisfied. It is reasonable to conclude that Natural England would grant an EPS licence for this development, should one be sought.

Subject to the recommended conditions and planning obligations, the development is deemed to accord with policies SS8, SS9 and NC1 of the Torbay Local Plan and policy PNP1(c) and PNP21 of the Paignton Neighbourhood Plan.

7. 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).

The site sits in an area with a low risk of flooding (Flood Zone 1) but is not subject to surface water flooding. The site is within a Critical Drainage area as designated by the Environment Agency.

A Flood Risk assessment has been submitted with the application and accompanying surface water drainage scheme that would discharge surface water to an attenuation tank. Supplementary drawings and information regarding pipe lengths and gradients and the areas discharging to each pipe length were submitted at the request of the Drainage Team (Clarkbond, E05706/0001DS P3 dated 31.08.2023).

The Council's Drainage Engineer has reviewed the proposed surface water proposal and confirms that the submitted drainage strategy complies with the original White Rock Master Plan Drainage Strategy. Subject to implementation in accordance with the submitted strategy and supplementary information (pipe gradients, pipe diameter and connections to impermeable areas), the scheme is considered to be designed in order that there is no risk of flooding to property on the site or increased risk of flooding to property or land adjacent to the site (for critical storm events plus 50% for climate change).

South West water had no objection subject to details of surface water drainage being submitted for prior approval. They comment that there are public water mains crossing the site and advise the applicants to contact them as necessary with regards to these assets.

Subject to a condition requiring implementation in accordance with the approved Drainage Strategy or other to be agreed in writing with LPA, the scheme accords with Policies ER1 and ER2 of the Torbay Local Plan and policy PNP1(i) of the Paignton Neighbourhood Plan.

8. Low Carbon Development

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.

Policy SS14 of the TLP seeks major development to minimise carbon emissions and the use of natural resources, including consideration of construction methods and materials. Policy ES1 seeks all major development proposals to make it clear how low-carbon design

has been achieved, and that proposals should identify ways in which the development will maximise opportunities.

Paignton Neighbourhood Plan Policy PNP1(f) states that new development should aim to achieve where appropriate and subject to viability:

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

Low carbon and energy aspirations are considered in the submitted Energy and Sustainability Statement (D. Evans, 26.May.2023, Referenced No P2023-0621-4). The Statement illustrates how the proposed development could be designed using the Energy Hierarchy principles to deliver carbon dioxide savings using a fabric-first approach with passive design, high efficiency boilers, high efficiency lighting and on-site renewables. However, the report does not make specific calculations of carbon reduction or specific commitments to any identified design solutions.

The statement does not acknowledge the Council's commitment to become carbon-neutral by 2030, which is a material planning consideration, or the current Building Regulations. It does not fully acknowledge the Future Homes standards to be introduced in 2025.

The Council's Climate Emergency Officer has commented that the scheme requires commitment from the applicants through a detailed energy and sustainability statement and has requested a condition to secure commitments at reserved matters stage.

A detailed energy and sustainability strategy and detailed plan should identify how the development will conserve energy, avoid overheating, make efficient use of energy-efficient fabric and water and use on-site renewable energy technology in accordance with the Local Plan and Neighbourhood Plan. This shall include detailed plans of where the renewable energy sources would be located and calculations of the power demand and generation.

Therefore, a condition is recommended to secure, in any reserved matters application relating to the proposal's layout, scale and appearance, the above details of energy efficiency measures and sustainable construction.

The proposal is considered, subject to an appropriate planning condition, to have the potential to deliver on the low-carbon aspirations of the Development Plan, the Council's Carbon-zero commitment and the NPPF.

9. Affordable Housing and Adaptable Housing

Affordable housing provision should be secured from this development in accordance with Policy H2 of the Torbay Local Plan, which states that for development of greenfield sites for schemes of over 30 dwellings that 30% of the units should be affordable housing. At 30% the scheme is expected to secure 18 affordable units.

The submitted Planning and Affordable Housing Statement sets out at Section 5 that the Applicant confirms that the development will provide this level of affordable housing with the Council's preferred tenure mix and accessibility standards.

This provision should be secured via a S106 agreement with elements of the provision, such as location, size and tenure mix, being agreed through the reserved matters stage when the form and layout is progressed beyond the current illustrative stage. Tenure will be expected to be in accordance with Policy H2 (1/3 social rented housing, 1/3 affordable rent and 1/3 shared ownership housing). The amenity for future residents will be expected to be to the same standards as for market housing.

In addition to the requirements of the Legal Agreement a planning condition is recommended to secure that all applications for reserved matters relating to the proposal's layout and scale shall include a scheme of affordable housing shall be submitted for the written approval of the Local Planning Authority, which shall include information about the siting, size, and tenure type of the affordable units.

The Council's Housing Delivery Officer supports the proposal in terms of an affordable housing offer.

Policy H6 requires that 5% of units are built to M4(2) standards (Accessible and adaptable dwellings). Details of compliance with this policy will be expected to be submitted as part of reserved matters applications.

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.

12. Health and Wellbeing

Policy SC1 requires development to contribute to the health and well-being of the community helping to deliver healthy lifestyles and sustainable neighbourhoods proportionate to the scale of the proposal. In particular, Policy SC1.3 seeks improvement to access to medical treatment services including healthcare clusters.

The NHS Trust was consulted on this application and has responded that health care services in the vicinity are under great pressure. The proposed development would potentially create a long-term impact on the Trust's ability to provide safe, accessible and sustainable service delivery to current and new residents. The proposal does not include the provisions of facilities to address this impact, which would be in the catchment of

Mayfield Medical Centre (Cherrybrook Surgery) and Compass House (Galmpton Surgery). Contributions are, therefore, sought to mitigate this direct impact and the amount sought is £621 per dwelling (£37,258 for 60 dwellings). This can be secured through a s106 agreement to accord with Policy SC1.3 of the Torbay Local Plan.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn:

The Economic Role

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. The development would see the use of land within a designated growth area. Once the development is occupied there would be an increase in the level of disposable income from the occupants some which would be likely to be spent in the local area and an increase in the demand for local goods and services.

There are no adverse economic impacts that would arise from this development. In respect of the economic element of sustainable development the balance is considered to be in favour of the development.

The Social Role

The principle social benefit of the proposed development would be the provision of additional housing, including 18 Affordable Housing units. Given the NPPF priority to significantly boost the supply of housing the additional dwellings to be provided must carry significant weight in this balance, with the benefit heightened by the inclusion of 30% of the units being Affordable units. The social impacts of the development weigh in favour of the development.

The Environmental role

With respect to the environmental role of sustainable development the development is supported by drainage, landscaping and ecological and Biodiversity Net Gain measures to mitigate impact, as detailed in this report. It is concluded that the environmental impacts of the development weigh neutrally within the planning balance.

Sustainability Conclusion

Having regard to the above assessment the proposed development is considered to represent sustainable development.

Statement on Human Rights and Equalities Issues

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

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

belief (or lack of), sex and sexual orientation.

Local Finance Considerations

CIL

The development is CIL liable being in Zone 2 (built up area as designated on the CIL maps).

S106

The following are draft heads of terms for site-specific obligations for a s106 legal agreement, which should be completed prior to a planning consent being issued. The applicants have agreed to these Heads of Terms. Triggers and instalments in relation to financial contributions are to be agreed as part of the detailed negotiation of the legal agreement. It is recommended that authority to progress and complete the legal agreement be delegated to officers.

- 30% Affordable Housing (18 units),
- NHS health and wellbeing contribution at £621 per dwelling,
- Public Open Space Green Space and Recreation – offer to Council adoption and transfer with 25year maintenance fund.
- Biodiversity Net Gain and ecological mitigation to be provided off-site prior to commencement of development,
- Ecological Monitoring fee (£2,400),
- Travel Plan Implementation and monitoring (£1,500)
- Administration and Monitoring charge of 5% (towards cost incurred by the Council in monitoring compliance, collection , allocation and expenditure of contributions).

The following will be secured by s106 or s278/s38 agreement dependent on their location:

- Bus stop and shelter replacement on Waddeton Road and offer land to Council for adoption as Highway and
- Bus stop and shelter provision on White Rock Way and offer land to Council for adoption.

EIA/HRA

EIA:

Due to the scale, nature and location this development would not have significant effects on the environment and, therefore, was not considered to be EIA development.

HRA: The application site is within a strategic flyway/sustenance zone associated with the South Hams SAC. A Habitat Regulations Assessment has screened out impacts on the South Hams SAC.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme in terms of addressing the Development Plan aspiration to provide housing would produce a significantly positive impact overall and help with the supply of much needed housing.

The impacts of the scheme are not unacceptable, subject to the planning conditions and obligations detailed below, and bearing in mind that a number of elements, including the layout, scale, appearance and landscaping for the development will need to be the subject of reserved matters applications.

Conclusions and Reasons for Decision

The White Rock area is identified for housing within the Development Plan and the proposal would create additional dwellings within the overall area of White Rock and not render the approved outline permissions for White Rock (P/2011/0197) unimplementable,

Concerns regarding the impact upon the Greater Horseshoe Bats and flooding are resolved to the satisfaction of the statutory consultees on these matters.

The Highway Authority does not object to the proposed vehicle access and its impact upon the road network. However, details would fall to be assessed under Reserved Matters applications.

The impacts upon the character of the area, landscape and amenity of neighbouring residential occupiers have been assessed as far as is possible at outline stage. The impacts are not considered significant. However, details would fall to be assessed under Reserved Matters applications.

In-line with the above conclusions and the assessment within this report, the proposals are considered to be in principle accordance with the provisions of the Development Plan and to demonstrate that an acceptable scheme could be accommodated on the site. The NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay.

Due to the level of accordance with the Development Plan and in the absence of material considerations that weigh sufficiently against the proposal, the Officer recommendation is one of approval, subject to suitable conditions, and securing a Section 106 Agreement to secure the identified heads of terms in line with adopted policy.

The proposed development is considered to represent sustainable development and is acceptable, having regard to the Torbay Local Plan, the Paignton Neighbourhood Plan, the NPPF, and all other material considerations.

The NPPF guides that decisions should apply a presumption in favour of sustainable development and for decision making that means approving development proposals that accord with an up-to-date development plan without delay. For housing proposals within situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, the NPPF guides to 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 (60 dwellings and 30% affordable), when assessed against the policies in the NPPF when taken as a whole. Subject to the recommended conditions and planning obligations, there are no impacts on protected areas or assets of particular importance to provide a clear reason for refusal.

Officer Recommendation

Approval: subject to;

1. The completion of a Section 106 Legal Agreement to secure the heads of terms above, in accordance with the adopted Planning Contributions and Affordable Housing Supplementary Planning Document, on terms acceptable to Officers.
2. The conditions outlined below, with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency,
3. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and

Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Conditions

Standard Time Limit:

That in the case of any reserved matter, an application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission; and

That the development to which this permission relates shall be begun not later than five years from the date of this permission or not later than two years from the date of the approval of the last of the reserved matters to be approved.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990.

1. Reserved Matters

Details of the reserved matters set out below (herein after called the “reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority in accordance with the above time limits:

- (i) layout,
- (ii) scale,
- (iii) appearance(including schedule of external materials to include hard-surfaced areas); and
- (iv) landscaping (to include soft landscaping, boundary treatments, screening and all means of enclosure) and
- (v) other accesses (other than the principal access to the site as submitted for approval as part of this application).

The details of the reserved matters shall be consistent with the details submitted and approved pursuant to the outline consent.

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced, and the development shall be undertaken in accordance with the approved reserved matters.

The details of reserved matters shall be in general accord with the Illustrative Site Layout (Narracotts 2482-P1) and shall include a minimum of 3.2Ha of public open space, a Local Area for Play and a Locally Equipped Area for Play.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Phasing Plan

A phasing plan shall be submitted to and approved in writing by the Local Planning Authority not later than the first application for reserved matters approval. The plan shall set out how each part of the development will be implemented in relation to an agreed timetable of works.

The Phasing Plan shall include the provision of off-site Biodiversity Net Gain works prior to commencement of development on the site consistent with the principles established in the Ecological Impact Assessment and BNG Metri

The development shall be carried out in accordance with the approved phasing plan.

Reason: To ensure a satisfactory completion of the development.

3. Phasing Plan

The phasing plan shall also include locations of play areas and green infrastructure consistent with the Illustrative Layout (Narracotts 2482-P1) to include a minimum of:

- i) 3.2Ha of public open space,
- ii) 1 Locally Equipped Area of Play of 400sqm,
- iii) 1 Local Area for Play of 100sqm and
- iv) a utility footpath from the bus stop area on Waddeton Road to Waddeton Close.

Applications for reserved matters approval shall be submitted in accordance with the approved phasing plan.

The phasing plan or reserved matters shall include a fully detailed specification of the play areas and public open space and a timescale for their provision. This shall include provision of the play areas, the open space and the footpath in the first phase, if there is more than one phase. No more than 25% of dwellings shall be occupied in any phase until the play areas, public open space and footpath have been completed and made available for use by the general public unless otherwise agreed by the Local Planning Authority in the phasing plan.

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.

4. Play Areas

The Locally Equipped Area for Play (LEAP) shall be designed so as to be aimed at children of early school age and have an enclosed area of 400sqm with grass playing space and at least five types of play equipment with appropriate safety surfacing. There shall also be seating for accompanying adults.

The Local Area for Play (LAP) shall be designed so as to be aimed at children of pre-school and early school age and have an enclosed area of 100sqm with grass playing space and play opportunities. There shall also be seating for accompanying adults.

The Play areas shall incorporate buffer zones of at least 20m for a LEAP and 5m for a LAP from the edge of the activity zone to the boundary of the nearest dwelling.

Play areas shall be provided to at least European Standard EN1776 (play area) and EN1777 (hard surfaces) and maintained for at least 25 years.

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.

5. Commercial Space - size, use and phasing

Commercial space shall be provided within the development hereby permitted. The commercial space shall not exceed 70sqm gross internal floor area. The reserved matters applications for Layout and Landscape matters shall include details of the location of the commercial space, the proposed use, associated parking and servicing areas, hours of operation and hours of delivery.

Notwithstanding the provisions of the Town and County Planning Use Classes Order 1987 (as amended) and the Town and Country Planning General Permitted

Development Order (England) 2015 (as amended), without the prior written consent of the Local Planning Authority the commercial space shall only be used for purposes within Use Class E (Commercial, Business or Service) and/or Use Class F2 a) or b) (Local Community) and for no other purpose.

Reason: In the interests of amenity of neighbouring occupiers and the convenience and safety of other users of the site further to Policies DE3 and TA2 of the Local Plan.

6. Construction Method Statement

No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement for the development has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- (i) The parking of vehicles of site operatives and visitors.
- (ii) Loading and unloading of plant and materials.
- (iii) Storage of plant and materials used in constructing the development.
- (iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- (v) Wheel washing facilities.
- (vi) Measures to control the emission of dust and dirt during construction.
- (vii) A scheme for recycling/disposing of waste resulting from construction works, with priority given to reuse of building materials on site wherever practicable.
- (viii) Measures to minimise noise nuisance to neighbours from plant and machinery. Construction working hours shall be from 07:30 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority
- ix) Details of how lighting will be controlled during the construction phase of development.

The approved Statements shall be adhered to throughout the construction period of the phase of the development that they relate to.

Reason: In the interests of highway safety and the amenities of surrounding occupiers during the construction of the development further to Policies TA2 and DE3 of the Torbay Local Plan 2012-2030. This needs to be a pre-commencement condition to ensure that the impacts of construction on neighbour amenity and highway safety and convenience are mitigated from the outset of development.

7. CEMP

No development (including ground works) or vegetation clearance works shall take place for any part of the development until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be prepared in accordance with specifications in clause 10.2 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- (i) Risk assessment of potentially damaging construction activities,
- (ii) Avoidance of use of herbicides,
- (iii) Identification of "biodiversity protection zones",
- (iv) Practical measures (both physical measures and sensitive working practices) to avoid or reduce environmental impacts during construction,
- (v) The location and timing of sensitive works to avoid harm to biodiversity features, including the use of protective fences, exclusion barriers and warning signs, covering of trenches at night, impermeable boundaries to include hedgehog holes,
- (vi) removal of invasive species,

- (vii) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken,
- (viii) Responsible persons and lines of communication,
- (ix) The role and responsibilities on site of an ecological clerk of works or similarly competent person,
- (x) Details of how lighting will be controlled during the construction phase of development.

The approved CEMP shall be adhered to and implemented throughout the construction period of the development, strictly in accordance with the approved details.

Reason: To ensure that all existing trees and hedges and new planting on the site and on adjacent sites and off-site ecological mitigation works are adequately protected while development is in progress, in accordance with Policies C4 and NC1 of the Torbay Local Plan 2012-2030 and the National Planning Policy Framework. This needs to be a pre-commencement condition to ensure that the impacts of construction on biodiversity and habitats are mitigated from the outset of development.

8. LEMP

The reserved matters applications for Layout and Landscape matters shall include a Landscape and Ecological Management Plan (LEMP) for the development. The LEMP shall be consistent with the principles established in the Ecological Assessment (NPA 10874 124 P02, 24.04.2023).

The LEMP shall include:

- details of habitat creation on-site and off-site,
- species specification and
- management of on-site and off-site land.

The LEMP shall include an implementation strategy and timetable for implementation and maintenance for a 30-year period.

The development shall be implemented in accordance with the approved LEMP and with the approved timetable for the duration of the agreed management plan period.

Reason: To ensure that all existing trees and hedges and new planting on the site and on adjacent sites and off-site ecological mitigation works are adequately protected and maintained, in accordance with Policies C4 and NC1 of the Torbay Local Plan 2012 and the National Planning Policy Framework.

9. Tree Protection during construction

No development (including ground works) or vegetation clearance works shall take place for any phase of the development until a Tree Protection Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. This information shall be prepared in accordance with BS 5837:2012 (or any superseding British Standard) and include details of tree protection fencing, which must be erected prior to the commencement of the development and retained until the completion of the development in the phase of the development that they relate to. No vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences.

The approved Tree Protection Plans shall be adhered to throughout the construction of the development.

Reason: To ensure that all existing trees and hedges on the site and on adjoining sites are adequately protected while development is in progress, in accordance with Policy NC1 of the Torbay Local Plan 2012 and the National Planning Policy Framework. This needs to be a pre-commencement condition to ensure that the impacts of construction on biodiversity and habitats are mitigated from the outset of development.

10. Landscaping Scheme.

Full details of both soft and hard landscape works shall be submitted as part of application(s) for reserved matters approval as required by Condition 1. The landscaping details to be submitted shall include:

- a) existing and proposed finished levels and contours,
- b) trees and hedgerow to be retained including avoidance of incursion into the root protection zones of all retained trees and/or specification of no-dig approach;
- c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing;
- d) hard surfacing;
- e) means of enclosure and boundary treatments;
- f) Any other structures (such as furniture, refuse or other storage units, signs, lighting).

The approved landscaping scheme shall be implemented in the first season following completion of the part of the development site to which it relates in accordance with the approved phasing plan.

Reason: In the interests of visual amenity and in accordance with Policies DE1 and C4 of the Adopted Torbay Local Plan 2012-2030, Policy PNP1(c) of the Paignton Neighbourhood Plan and the guidance contained in the NPPF.

11. Bird Nesting and Vegetation Clearance

No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird breeding season from March to September, inclusive. If this period cannot be avoided, these works shall not be undertaken until a statement of the reasons for non-avoidance has been submitted to and approved in writing by the Local Planning Authority. The works shall not be undertaken except in the presence of a suitably qualified ecologist. If breeding birds are found or suspected to be present on the part of the site the subject of such works, the works will not be permitted until the ecologist is satisfied that such breeding is complete.

Reason: To prevent harm to nesting birds in accordance with policy NC1 of the Torbay Local Plan 2012-2030 and the guidance contained in the NPPF.

12. Ecological Measures

The development shall be carried out in accordance with the recommendations set out in the submitted Ecological Impact Assessment (NPA 10874 124 P02, dated 24.04.2023) and any measures required under licence from Natural England. These measures shall include:

- i) Integrated bat roosting boxes and bird nesting boxes in the dwellings and retained trees.
- ii) tussocky grass margins adjacent to the hedgerows,
- iii) hedgehog gaps in fences.
- iv) prior to commencement of any site works or clearance, a repeat survey for the presence of badgers on the site and surrounding habitat with associated mitigation/compensation measures.
- v) Off-site habitat creation

The measures shall not be discharged until a qualified consultant ecologist confirms implementation in writing to the Local Planning Authority and shall be retained for the lifetime of the development.

The Developer must obtain Licence from NE prior to commencement of clearance, demolition or other works to the structure on southern boundary.

Associated reserved matters applications shall include proposals to include bat roosting boxes in the design of the buildings and details of the location and design of the bat house.

Reason: In the interests of protecting and maintaining the habitat of legally protected species in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030 and the guidance contained in the NPPF.

13. Ecological Monitoring

Prior to the first occupation or use of the development hereby permitted, a Greater Horseshoe Bat (GHB) and Cirl Bunting Monitoring Strategy shall be submitted to and approved in writing by the Local Planning Authority in order to provide early warning of any change in site conditions (such as those brought about by loss of suitable habitat features or adverse light spill) that are likely to impair or disturb GHBs using the bat mitigation measures on the site (including the dark bat corridors and foraging areas); and to put in place remedial measures to avoid harm to these species. The Monitoring Strategy shall include the following:

- (i) Aims and objectives of monitoring to match the stated purpose.
- (ii) Identification of adequate baseline conditions prior to the start of development.
- (iii) Success criteria, thresholds, triggers and targets against which the continued effectiveness of the bat mitigation measures can be judged.
- (iv) Methods for data gathering and analysis.
- (v) Location of monitoring/sampling points.
- (vi) Timing and duration of monitoring.
- (vii) Responsible persons and lines of communication.
- (viii) Review, reporting, intervals of reporting and where appropriate, publication of results and outcomes.

The Monitoring Strategy shall be implemented as approved. A report describing the results of monitoring shall be submitted to the Local Planning Authority at intervals as identified in the Monitoring Strategy. The report shall set out where the results from monitoring show that site conditions are changing and what remedial action is required to ensure the mitigation measures remain effective. The remedial action shall be agreed with the Local Planning Authority and implemented in full.

Reason: In the interests of protecting and maintaining the habitat of legally protected species in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030 and the guidance contained in the NPPF.

14. Lighting Scheme as part of RM's

Prior to above-ground development a Lighting Scheme shall have been submitted to and approved in writing by the Local Planning Authority demonstrating compliance with the principles established in the submitted Lighting Statement (Hydrock, Ref No 27111-XX-XX-RP-E 0001 P01, dated 14.02.2023).

The Scheme shall minimise impacts from lighting associated with pre-construction, construction and operational activities and demonstrate how current best practice

(BCT/ILP, 218) guidance has been implemented. This shall include details of the following:

- a) Artificial light associated with the public realm lighting,
- b) Car headlights associated with traffic movements through the development and
- c) Internal and external lighting associated with the residential and commercial developments.

The Lighting Scheme shall be implemented as approved prior to the occupation of the associated element of the development and thereafter maintained as approved. Should any of the external lighting become damaged or defective and need replacement it shall be replaced with external lighting of no brighter specification.

No additional outdoor lighting shall be installed on the site without the prior written approval of the Local Planning Authority.

Reason: In the interests of biodiversity and residential amenity, in accordance with Policies SS8, NC1 and DE3 of the Torbay local Plan 2012-2030, the Paignton Neighbourhood Plan and the NPPF.

15. Biodiversity Net Gain measures

No development or vegetation clearance shall take place on the site until a detailed scheme of measures to achieve a Biodiversity Net Gain over the Base Metric in accordance with the Ecological Impact Assessment (10874-124-P02, NPA, dated 24.04.2023) and Summary Biodiversity Net Gain Metric (Referenced P2023-0621-7 BMT) hereby approved has been submitted to and approved in writing by the Local Planning Authority. The full metric calculation shall include the assessment principals that have informed the proposals and shall use the most up-to-date DEFRA metric and associated guidance documents to secure a minimum 10% net gain over 30 years.

The approved measures for off-site Biodiversity Net Gain shall be implemented prior to the commencement of the development, unless a phasing strategy has otherwise been agreed in writing by the Local Planning Authority, and shall be permanently managed and maintained at all times thereafter in accordance with the approved details and LEMP.

All Reserved Matters applications for layout and landscaping shall include a scheme of measures to achieve a Biodiversity Net Gain on the development site. The development shall be implemented in accordance with the approved scheme and maintained thereafter.

Reason: in the interests of biodiversity, in accordance with Policies SS8 and NC1 of the Torbay local Plan 2012-2030, the Paignton Neighbourhood Plan and the NPPF. This needs to be a pre-commencement condition to ensure that the impacts of the development on biodiversity and habitats are mitigated from the outset of development.

16. Highway Works - adoptable network plan and Road Management Plan

A plan showing the proposed adoptable highway network within the development site and a Road Management Plan for the access to the northern part of the stie shall be submitted with all reserved matters applications for layout. The plans shall demonstrate where connections will be made to other areas within and beyond the site. The development shall take place in accordance with the approved details.

No dwellings hereby approved that are accessed from the southern access point on Waddeton Close shall be occupied until the roads serving them have been constructed

to adoptable standards as defined in the Council's Highways Design Guide for New Developments and are the subject of maintenance arrangements previously approved by the Council or are the subject of an agreement with the Council made pursuant to s38 of the Highways Act 1980. No dwellings hereby approved that are accessed from the northern access point on Waddeton Close shall be occupied until the roads serving them have been constructed in accordance with the approved Road Management Plan.

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

17. Pedestrian Crossing and Bus Stop Infrastructure

No part of the development shall be occupied or brought into use prior to the pedestrian crossing on Waddeton Close and bus stop infrastructure on Waddeton Road and White Rock Way being implemented in accordance with any necessary s278/s38 highways agreement as entered into with the Local Highway Authority to secure necessary works to the public highway.

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.

18. Bus Stop Infrastructure

All reserved matters applications for Layout and Landscaping shall include proposals for removal of the existing bus stop shelter on Waddeton Road and installation of a replacement bus stop with shelter and seating to a design to be agreed with the Local Planning Authority.

All reserved matters applications for Layout and Landscaping shall also include a review of the location of the bus stop on the north side of White Rock Way (east/south-bound services). The review shall include identification of the location for provision of a new bus stop in the vicinity with shelter and seating to a location and design to be agreed with the Local Planning Authority.

The development shall not be occupied until the approved measures have been implemented in full and made available for public use and shall be permanently managed and maintained at all times thereafter in accordance with the approved details.

Reason: To ensure adequate access is provided to the development and for developments in the area in a timely manner in the interests of highway safety further to Policies TA1 and TA2 of the Torbay Local Plan 2012-2030. This needs to be a pre-commencement condition to ensure that the site accesses to the local road and path network are constructed in a timely manner from the outset of development.

19. Flood Risk Drainage – in accordance with the submitted and approved FRA.

As part of any reserved matters application a detailed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall demonstrate that the risk of flooding to the site, to adjacent land and to land further down-stream would not be increased and shall be in line with the design parameters outlined within the submitted and approved Flood Risk Assessment, (Clarkbond, Ref No E05706-0001DS P03 dated 31.08.2023).

No development (including ground works) for any phase of the development shall take place on the site until a detailed surface water drainage scheme for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the development and shall be subsequently maintained in working order thereafter.

Reason: To ensure that there are no increased flood risk, in accordance with Policies ER1 and ER2 of the Torbay Local Plan, the Paignton Neighbourhood Plan, and advice contained within the NPPF. This needs to be a pre-commencement condition to ensure that the impacts of construction on flood risk and drainage are mitigated from the outset of development.

20. Affordable Housing

As part of any application for reserved matters relating to site layout and scale of development, a scheme of affordable housing shall be submitted for the written approval of the Local Planning Authority. The submitted details shall include information about the siting, size, and tenure type of the affordable units and of the adaptable units. The development shall be undertaken in accordance with the approved details.

Reason: In accordance with Policy H2 of the Torbay Local Plan 2012-2030.

21. Energy – Low Carbon

A detailed energy and sustainability statement shall be submitted with each reserved matters application pertaining to layout, scale and appearance. The statement shall identify the specific details that will be incorporated into the site including how the proposed development:

1. Conserves energy by reducing energy demand through siting and design. This includes the use of building orientation, layout and landscaping to optimise solar gain, ventilation and cooling,
2. Uses energy efficiently within the fabric of the building ,
3. Uses on-site renewable technologies to achieve 20% reduction in carbon emissions,
4. Minimises water consumption and run-off,
5. Uses construction methods and materials to reduce carbon release,
6. Minimises waste.

The Statement shall be accompanied by detailed plans and elevations that demonstrate the incorporation of these details into the design of the development. The approved details shall be implemented in full prior to the occupation of the respective part of the development and retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable development and in accordance with Policy PNP1 of the Paignton Neighbourhood Plan and Policy SS14 of the Torbay Local Plan 2012-2030.

22. Acoustic Report – fencing, wall construction, windows

As part of any reserved matters application a detailed acoustic assessment and mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority.

The assessment shall be undertaken in accordance with BS 8233:2014 and WHO 1999. The mitigation scheme shall be in line with the parameters outlined within the

submitted Environmental Noise Assessment (Acoustic Consultants Ltd, Reference 10032-SL B Noise Assessment, dated 21.April 2023)) and shall include consideration of building fabrics, fenestration and ventilation. The mitigation scheme shall demonstrate compliance with the guidance in BS8233:2014 with regards to noise levels to internal spaces and external amenity areas.

The approved scheme shall be implemented in full and tested and provided in full working order prior to the first occupation of the development and shall be maintained in that condition thereafter.

Reason: In the interests of residential amenity for future occupiers of the development in accordance with Policy DE3 of the Torbay Local Plan and advice contained within the NPPF.

23. Contamination

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason: To ensure there is no risk of land contamination in accordance with Policy ER3 of the Torbay Local Plan and advice contained within the NPPF.

24. Parking

No dwelling or commercial unit shall be occupied until its allocated car parking space(s) and access thereto, as shown in the associated approved details of reserved matters, have been provided and made available for use. All other car parking spaces and access thereto, including any visitors parking, as shown in the associated approved details of reserved matters, shall be provided and made freely available for use prior to the occupation of the development that they serve. The parking space(s) and access thereto shall be kept permanently available for parking and access purposes thereafter.

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

25. ECVP

No dwelling shall be occupied until electric vehicle charging point/s to serve that dwelling has been installed and made fully available in working condition and in accordance with details which shall firstly have been submitted to the Local Planning Authority with, and approved under, the reserved matters application for layout and/or appearance for the associated phase of development.

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

26. RMs to include details of cycle and bin stores

The details of reserved matters shall include details of cycle parking for the dwellings and commercial space hereby permitted. The cycle parking shall be in accordance with Policy TA3 and Appendix F of the Torbay Local Plan 2012-30. All cycle parking provision be secure and weatherproof. Cycle storage for flatted apartments shall be provided within the building/s to which it relates. The relevant cycle parking facilities

shall be provided as approved prior to the first occupation or first use of the dwelling/commercial space to which it relates and thereafter retained as such.

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

27. Bin Stores and Waste Management

The details of reserved matters shall include details of bin storage/waste recycling facilities for the dwellings and commercial space hereby permitted together with Waste Management and Collection Plans for units not served by adopted roads. The relevant storage/waste recycling and facilities and collection points shall be provided as approved prior to the first occupation or first use of the dwelling/commercial space to which it relates and thereafter retained as such.

Reason: In the interests of residential amenity and functional operation of the site in accordance with Policies DE3, TA2 and TA3 of the Adopted 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.

OR

If Members of Planning Committee are minded to refuse the application against Officer recommendation, final drafting of the reason(s) will be delegated to the Divisional Director of Planning, Housing and Climate Emergency and in consultation with the chairperson.

Relevant Policies

Development Plan Relevant Policies

Torbay Local Plan

SS1 - Growth Strategy for a prosperous Torbay
SS2, Future Growth Areas
SS3 - Presumption in favour of sustainable development
SS8 - Natural Environment
SS9 - Green Infrastructure
SS11 – Sustainable Communities
SS12 – Housing
SS13 – Five-year housing land supply
SS14 - Low carbon development and climate change
SDP3 - Paignton North and Western Area
H1 – Applications for new homes
H2 – Affordable Housing
TA1 - Transport and accessibility
TA2 - Development access
TA3 – Parking requirements
C4 - Trees, hedgerows and natural landscape
DE1 - Design
DE3 - Development Amenity

DE4 - Building heights
NC1 - Biodiversity and geodiversity
ER1 - Flood Risk
ER2 - Water Management
ES1 - Energy
W1 - Waste management facilities
W2 – Waste audit for major development and significant waste-generating developments

Paignton Neighbourhood Plan

PNP1 – Area wide
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
PNP21 – White Rock and nearby areas
PNP22 – Western Corridor

Supplementary Planning Documents

Planning Contributions and Affordable Housing SPD, December 2022.