

TORBAY COUNCIL

Application Site Address	St Boniface Church, Belfield Road, Paignton
Proposal	Demolition of existing building and construction of 25no Affordable Homes for over 55s with associated works and infrastructure.
Application Number	P/2025/0836
Applicant	Boniface Developments (Paignton) Ltd
Agent	Bell Cornwell LLP
Date Application Valid	28.01.2026
Decision Due Date	29.04.2026
Extension of Time Date	05.06.2026
Recommendation	<p>Approval: Subject to;</p> <p>The conditions outlined at the end of this report, with the final drafting of conditions delegated to the Divisional Director of Place Strategy.</p> <p>The completion of a Section106 legal agreement to ensure the units of accommodation are affordable and for people over 55 years of age and a planning contribution towards waste management.</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 Place Strategy, including the addition of any necessary further planning conditions or obligations.</p>
Reason for Referral to Planning Committee	Major Development.
Planning Case Officer	Alexis Moran



Site Details

The site is the former St. Boniface Church which was constructed in the 1960's and is of a block and brick construction with a flat roof chapel, associated garden and parking areas. The building has been vacant since 2024.

The site covers an area of approximately 0.2 hectares and is located on Belfield Road, Paignton. There are existing residential properties to the immediate west, to the north, on Smallcombe Road, and to the east and south on Belfield Road. The Foxhole Community Centre and Kings Ash Academy are to the west.

There is a mature tree line along the north-east and north-west boundaries.

Access is to the south of the site from Belfield Road and is shared with the community centre further to the west.

The topography of the site rises from the front to the rear (south-east to the north-west) by approximately 2.5 metres.

The site is in Flood Zone 1 and the Critical Drainage Area with a small proportion of the site identified by the Environment Agency as being at risk of future flooding from surface water run-off.

The site is approximately 350m away from the nearest shops and pharmacy on Foxhole Road and near to bus stops.

Description of Development

This planning application seeks approval for the demolition of the existing St. Boniface Church building and the construction of a new building to provide 25 affordable flats for people over the age of 55. All the flats are proposed to be 1 bedroom, 2 person units.

The proposed building is 'L' shaped with the widest aspect across the front of the site and closest to Belfield Road, the width of the building here is approximately 29 metres and 3 storeys (8.5m) with a mansard style roof at third storey level and solar panels on the flat roof area. The front 'wing' of the building has a depth of approximately 10.4m and meets the rear part of the building.

The rear 'wing' of the building is approximately 22m long making the overall length of the building approximately 32.4m long. It is 18.2m wide and protrudes along the east and north-east part of the site (closest to no. 12 Belfield Road).

This part of the building is located on the higher part of the sites and is 3 stories in height (8.5 metres) with a mansard roof and solar panels. Due to the difference in topography from the front to the rear of the site the rear aspect of the building protrudes above the front part by approximately 2.5m.

The proposal includes over 650m² of communal amenity space of future residents. A paved path around the building is proposed to provide direct access from the ground floor units to the communal landscaped areas.

Units on the middle floors feature balconies providing 5m² of external space.
Middle-floor units

The top-floor units provide double doors opening onto Juliet balconies, which would provide the units with a good outlook but minimise any overlooking.

The main entrance to the building is located on the rear 'wing' of the building from a shared access forecourt for access to disabled parking, substation maintenance and parking for the flats.

The proposal provides 16 parking spaces to the west and south of the site, however highways have requested that one of the spaces in the parking area to the west of the site is removed to provide adequate space for space for vehicle turning.

The access lane to the site is proposed to be widened to 4.8m and a 1.8m footway connecting to the rear parking area is also provided.

Materials largely consist of buff brick to the main part of the building and terracotta-coloured metal standing seam cladding to the mansard roof with dark grey/black windows and doors and dark grey/black railings to balconies.

Pre-Application Enquiry

A pre-application enquiry was submitted on 25.06.2025 for the demolition of the church and the provision of 25 social housing flats for over 55's and was given a reference of DE/2025/0100.

Summary Comments:

- The impact of the form and height proposed would need to be tested on near and distant views.
- The 3 storey height of the building along the frontage of Belfield Road is considered to be acceptable however the protruding aspect of this in the south-east corner adjacent to no.12 Belfield Road.
- The blank elevations to the east and west should be reviewed as they are currently a negative aspect of the proposal.
- The design of the car park and the accompanying hard and soft landscaping features including those on the boundary will play a significant role in providing a good quality development.
- Ensure that the proposal does not result in an overbearing impact, loss of light and outlook or result in unacceptable intervisibility.
- The private access road measures approximately 3 metres in width. According to Manual for Streets, a minimum carriageway width of 3.7 metres between kerbs is required to facilitate access for a fire appliance. Furthermore, it is recommended that a fire service pump appliance should be able to approach within 45 metres of all single-family dwellings.
- The applicant should demonstrate that the footways have reasonable gradient, without stepped access to support access for users of all mobilities. Consider providing a separate connection for pedestrians to access the main entrance via Belfield Road without sharing the space with vehicles.
- Ensure that this design is suitable for modern e-bikes which tend to be heavier to manoeuvre. Provision should also be considered for non-standard cycles, such as cargo bikes. Furthermore, power-assisted racks are recommended to ensure accessibility for all users.
- The applicant should ensure that any vehicle crossover areas provide dropped kerbs and tactile paving for pedestrian mobility.
- The Highway Authority notes that no parking spaces offer electric vehicle charging points. 20% of parking bays should be considered to provide EV charging.
- There is a private road on the plan that will lead to the development, please note SWISCo will not drive onto unadopted roads/land to collect recycling and waste. Only if individual container provision is not possible, should a communal recycling and waste arrangement be used.
- It is recommended that a lobby area is created that prevents onward movement onto the residential areas, including access to stairwells and lifts.
- Appropriate rear boundary treatments should also be provided, with rear and side boundaries attaining a 1.8m height.

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

- Pre-application enquiry DE/2025/0100 was submitted in June 2025 for 'Demolition of existing St Boniface Church and erection of 25 social housing flats for over 55's.'

Summary of Representations

9 objections have been received at the time of writing.

Note: Full responses are available to view on the public access system (<https://publicaccess.torbay.gov.uk/view/>).

Issues raised:

- Insufficient parking
- Increase in traffic
- Overdevelopment
- Impact on the character and appearance of the streetscene
- Loss of a community building
- Privacy, loss of light
- Impact on wildlife
- Pedestrian safety during construction
- Impact on services such as health

Summary of Consultation Responses

Planning Policy

The council's five-year supply, housing delivery test, and age of the development plan all mean that applications for housing are subject to Presumption. Additionally, the provision of above policy levels of affordable housing carries substantial weight in the planning balance.

The former St Boniface Church site has been identified as a potential redevelopment site as part of the Council's Accommodation Repurposing programme. I understand that the building is being disposed of by the Church Commissioners. The site is proposed for development by Policy H3P10 of the emerging Draft Local Plan with an indicative yield of 15 dwellings. I welcome the provision of 25 dwellings, which will prove a needed boost to affordable housing and facilitate down-sizing in the area to free up family homes. Torbay will struggle to meet its housing targets and there is a severe shortage of available unconstrained development land. It is therefore very important that urban brownfield opportunities are maximised. Although the draft Local Plan currently carries minimal weight, the Local Plan Working Party has expressed support for a continued and redoubled urban-brownfield sites first based approach.

Torbay Council Affordable Housing Manager Policy Position

The proposed re-development of St Boniface Church, Belfield Road, Paignton is proposed to deliver 25 Affordable dwellings. All dwellings would be one bedroomed Social Rented homes. This application exceeds Policy H2 of the Local Plan with the proposal of 100% Affordable Housing. This brownfield site has a disused church building still in situ but does not seek to reduce the Affordable Housing provision by utilizing Vacant Building Credit.

Providing all units as Social Rented tenure is a betterment to the tenure mix proposed in the Local Plan as it meets the greatest need on the housing register. The scheme will meet Torbay's ageing demographic and provide accommodation suited to the older cohort of applicants on the Devon Home Choice register.

All flats will meet or exceed the Nationally Described Space Standards. This ensures that properties meet the required specification for Affordable Housing. 22 of the properties will meet the M4(2) requirements for being accessible and adaptable with the remaining 3 properties being built to M4(3) standard for wheelchair users. A lift is proposed which will be a benefit to older people whom this scheme is targeted for.

There is limited parking available on the site, with just 5 spaces being offered. This scheme would be designated as older person's accommodation. Reliance on the private car is not the same as in general needs accommodation, and it is expected that private car usage will be low. The development is in a sustainable location in Paignton, with shops and a good bus service near the site which will again reduce the reliance on car use.

The provision of a cycle/scooter shelter is a welcome addition to the scheme, recognizing that storage for scooters and buggies may be important for people

living in the scheme. Forward planning, and providing this at the build stage, rather than retrospectively will have a positive impact in terms of funding.

Housing Need

In February 2026, there were 1563 households on the Devon Home Choice register in Bands A-D. This application is seeking to provide accommodation for older people. Flexibility will be needed in terms of defining older people to ensure that the Council is re-housing households who are in the most need, but also those people who may alleviate the strain on support services in the area. This should be secured through a Section 106 agreement or as a planning condition.

Torbay has one of the most ageing demographics in the country, particularly with people over the age of 65. The last census data estimates that 27.7% of the population in Torbay are within this cohort, this is predicted to increase to 34 % by the year 2043. This scheme provides an opportunity for Torbay Council to encourage current tenants of general needs Affordable Housing to downsize into smaller, more manageable accommodation. The table below shows the number of households who are currently living in Council and Registered Provider accommodation which is larger than their needs. These households are all seeking 1 bedroomed accommodation which this application proposes. The vacated general needs homes would be allocated to families in need of Affordable Housing. There are currently 53 applicants who currently reside in Council or Housing Association accommodation, in Torbay, who are registered to downsize to a one-bedroom property.

This proposal could also provide additional opportunities for the Adult Social Care team. There may be people that are waiting for vacancies in Extra Care placements or are living in unsuitable accommodation who may be able to continue living independently if support were provided in their own accommodation.

Should the planning application be approved, a Local Connection requirement should be secured through a Planning Obligation. This would ensure that the properties remain as Social Rented housing in perpetuity. Local Connection should be included to make sure that the proposed development meets the needs of people with a Local Connection to Torbay. This will limit the amount of inward migration from outside of Torbay to avoid additional pressure on the Health and Social Care services. It is expected that residents will already be registered with the local GP services. Age designated accommodation can alleviate the pressure on services if residents can be rehoused into more appropriately sized accommodation. Support may be provided within the accommodation to enable people to maintain their independence which can reduce reliance on residential care accommodation.

Conclusion

This application is supported by the Affordable Housing team as this will provide an additional 25 Socially Rented homes on a brownfield site.

There will be a need to secure Local Connection to Torbay should this application be granted consent.

Highway Authority

The Highway Authority require the following to be updated prior to raising no objection:

- The railing is replaced with bollards.
- Removal of a car parking space to provide a turning area in the rear car park.

For information, no future sub-division of the Vicarage site is possible without the private access being adopted by the Highway Authority. This would require the whole access road to be 4.8metres into the future site with an accompanying 1.8metre continuous raised footway alongside as well as safe visibility at the highway junction in accordance with the requirements set out in the Highway Design Guidance, October 2025.

If Members deem the proposal to be acceptable, it is considered that the amendments sought by Highways can be provided prior to the decision notice being issued, however a condition has also been included at the end of this report requiring the submission of revised details if this is not achievable

Climate Emergency

The applicant's proposal to consider the installation of electric panel heaters as the main heating source for the dwelling and installing solar PV to further limit the energy demand and carbon emissions for the site are welcomed. As are the proposals for the installation of solar PV for the development, which will equate to an 89.1% reduction in regulated carbon emissions. This is in line with Torbay Local Plan policies SS14 and ES1 and Policy PNP1(f) of the Paignton Neighbourhood Plan.

Ecology Advisor (Devon County Council)

No objection subject to the standard Biodiversity Net Gain (BNG) informative and an informative advising the applicant of their legal duty to ensure bats and nesting birds are protected as part of this development and conditions regarding;

- No unauthorised external lighting
- Compliance with the identified wildlife enhancements
- Bird nesting season compliance
- Submission and implementation and ongoing management of a Landscape and Ecological Management Plan (LEMP)

28.04.2026 – additional comments following additional BNG information submitted.

The changes are very minimal from an ecological perspective. I have no comments other than please ensure the conditions and BNG informative provided previously are still used in any decision notice.

Torbay Council Drainage Engineer

No objection, subject to conditions requiring (i) submission and approval of a Surface Water Drainage Maintenance and Management Plan and (ii) implementation of the surface water drainage system in accordance with the latest submitted hydraulic design information.

07.05.2026 updated response:

1. Surface water from the site is proposed to discharge to an adopted surface water sewer, which ultimately connects into the combined sewer network. Torbay experiences known issues with sewer capacity, including flooding and CSO spills, and discharge to the combined system should therefore be treated as a last resort. South West Water have confirmed that there is sufficient capacity within the network to accommodate the proposed development and that their comments relate to the standard requirement for a Section 106 (Water Industry Act 1991) sewer connection application following the grant of planning permission. On this basis, the proposed drainage strategy is considered acceptable in principle.
2. Attenuation Tank A discharges into Attenuation Tank B, with the combined site runoff restricted by a single Hydrobrake at SIC08 limiting the total discharge to the public sewer to 1.5 l/s (1 in 100 year + 50% climate change). The proposed discharge rate is compliant with the requirements of the Torbay Critical Drainage Area.
3. A Surface Water Drainage Maintenance and Management Plan shall be submitted to and approved by the Local Planning Authority. This requirement can be secured by condition. The plan shall include details of: the SuDS components (including planters), attenuation features and flow control devices (including the Hydrobrake); routine inspection and maintenance activities; inspection frequencies; and the responsible management company/body and arrangements for maintenance for the lifetime of the development. The approved plan shall be implemented in full prior to first occupation and shall be operated and maintained thereafter in accordance with the approved details.
 - The SuDS planters, attenuation features and flow control devices (including the Hydro Brake).
 - Routine inspection and maintenance activities.
 - Inspection frequencies.
 - Responsible party for maintenance for the lifetime of the development.The approved scheme shall be implemented in full prior to occupation and maintained thereafter.

Providing that the surface water drainage system is constructed in accordance with the latest submitted hydraulic design information, I raise no objection on drainage grounds to planning permission being granted for this development.

South West Water

Surface Water:

SWW have advised that there is suitable capacity in the network to allow for the proposal to drain surface water to the surface water sewer.

Police Designing Out Crime Officer

No objection, From a designing out crime, fear of crime and anti-social behaviour advice provided.

Torbay Council Community Safety Officer

No objection subject to the addition of a pre commencement land contamination risk assessment and the submission of a Construction Environmental Management Plan.

SWISCo Green Infrastructure Team

No objection.

Waste Management

No objection, a s.106 waste management contribution will be required.

Planning Officer Assessment

1. Principle of Development
2. Design and Visual Impact
3. Residential Amenity
4. Highways, Movement and Parking
5. Ecology, Biodiversity and Trees
6. Flood Risk and Drainage
7. Low Carbon Development and Energy

1. The Principle of Development

The proposal is for the demolition of an existing building and construction of 25 Affordable Homes for over 55s with associated works and infrastructure.

There is a pressing need for homes in Torbay. The Government published the most recent Housing Delivery Test in December 2024. Torbay's result is 66%. The Council have recently reported that their housing land supply figure has decreased to 1.72 years through a recent planning appeal (ref: APP/X1165/W/24/3354507) and the Council's most recently published figure is 1.65 years supply. The Housing Delivery Test requires that the presumption in favour of sustainable development and a 20% buffer be applied as per Paragraph 11 of the NPPF

Policies SS12, SS13 and H1 of the Local Plan seek to provide sufficient housing in Torbay and to maintain a five year land supply. Policies SS13 and SS3 of the Local Plan set out a "presumption in favour of sustainable development" for housing separate to the NPPF. This is returned to later in relation to the NPPF and operation of the Presumption in Favour of Sustainable Development; but it is noted that the Local Plan contains policies that seeks to give favourable consideration to new housing (subject to other considerations) separately from the NPPF. Policy H1 of the Local Plan states that proposals for new homes within

the built-up area will be supported subject to consistency with other policies in the Local Plan. Proposals for new homes on unallocated sites, including the renewal of existing permissions, will be assessed on the basis of set criteria, proportionate to the scale of the proposal.

Paragraph 61 of the NPPF outlines that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

Paragraph 124 of the NPPF promotes the effective use of land in meeting the need for homes and other uses. Paragraph 125 of the NPPF presents clear support for the principle of using land effectively to meet the need for homes and guides that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. It also promotes support for the development of under-utilised land and buildings, especially where proposal would help to meet identified needs for housing.

Policy H1 of the Local Plan 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.

Policy SS11 of the Local Plan states that development will be assessed against its contribution to improving the sustainability of existing and new communities within Torbay. Development proposals will be assessed according to whether they create a well-connected, accessible and safe community, protect and enhance the local natural and built environment, and deliver development of an appropriate type, scale, quality, mix and density in relation to its location.

Policy PNP1 criterion c) of the Paignton Neighbourhood Plan states that development proposals will be supported, where they provide housing growth appropriate to meet local needs and strategic needs set out in the Torbay Local Plan, including affordable housing.

Paragraph 11 of the NPPF states:

Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [Footnote 8], granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance [Footnote 7] provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination [Footnote 9].*

Footnote 7: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.

Footnote 8: This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. See also paragraph 232.

Footnote 9: The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.

Whilst government guidance pulls in somewhat different directions, there is a clearly stated government objective of boosting the supply of housing. Policies SS3 and SS13 of the Local Plan also set out a presumption in favour of sustainable development separately to the NPPF. Accordingly, the presumption in favour of sustainable development is applied to applications involving the provision of housing.

Under the presumption, permission should only be refused where either:
The application of policies in the Framework that protect designated heritage assets provides a strong reason for refusal (i.e. the “tilted balance” at Paragraph 11(d)i) or
The impacts of approving a proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination (i.e. the “tilted balance” at Paragraph 11(d)ii).

Development Plan policies are taken into account when assessing whether the harm caused would “*significantly and demonstrably*” outweigh the benefit.

According to Footnote 8 and Paragraph 11(d) of the NPPF the policies within the Development Plan which are most important for determining the proposal are out-of-date. The presumption in favour of sustainable development indicates that planning permission should be granted unless one of two circumstances apply. It is considered that neither limb within Paragraph 11(d) applies and therefore the presumption in favour of sustainable development applies and the tilted balance is engaged.

The provision of housing and the local housing supply context weighs heavily in favour of the grant of planning permission. Bearing the aforementioned points in mind, the principle of the development in this location is deemed to be acceptable and would accord with the relevant Development Plan policies identified.

2. Design, Visual Appearance and the Character of the Area

Achieving good design is a central thread within national guidance and Chapter 12 of the NPPF “Achieving well-designed and beautiful places” offers key guidance on this. Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 131 goes on to state that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 furthers key guidance including that on functionality, adding to the overall quality of an area, responding to local character and being visually attractive as a result of architecture, layout and landscaping, and creating safe and inclusive places. In addition, paragraph 139 states that ‘development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design’.

Similarly, Local Plan Policy DE1 states that proposals will be assessed against their ability to meet design considerations such as whether they adopt high quality architectural detail with a distinctive and sensitive palette of materials and whether they positively enhance the built environment.

In terms of further policy context, design outcomes are also prominent within the Paignton Neighbourhood Plan with PNP1 (Area Wide) including reference to enhancement of local identity, PNP1(c) notes the importance of strengthening local identity.

The general scale of development in the area is 2 storey dwellings with pitched roofs. The proposed front ‘wing’ is to be 3 storeys including the storey in the mansard roof which provides additional accommodation without increasing the ridge height of the building. This results in the ridge of the proposed front ‘wing’ being 3m higher than the ridge of the adjacent neighbour to the east (no. 12 Belfield Road) but due to the change in topography which also rises to the south, the ridge level of the proposed front ‘wing’ would be below that of the ridge of no. 18 Belfield Road, the adjacent neighbour to the south.

Due to the change in topography over the site, the rear ‘wing’ protrudes beyond the ridge of the front ‘wing’ by approximately 2.5m. This is however set back by

more than 10m which acts to minimise its visual impact, particularly in the immediate streetscene.

The application is accompanied by a Landscape and Visual Impact (LVIA) that reviews the proposed scheme against any potential effects on landscape character or visual amenity that may arise as a result. The LVIA includes photo montages from various locations, these show that the proposed development would not appear to be of an unacceptable scale and would have an acceptable visual impact when set against the built-up urban character of the area.

The proposed development is considered to accord with Policy DE4 of the Local Plan, which states that new developments should be constructed to the prevailing height within the character area unless there are sound urban design or socio-economic benefits to justify deviation from this approach. These include the following criteria which the proposal is considered to meet;

- The development is appropriate in terms of visual impact, and
- Provides wider urban design or socio-economic benefits

Bearing the above points in mind, the scale of the development is deemed to be acceptable.

In general terms, the form of building expresses a contemporary approach. Pre-application comments stated that the concept design was of good quality and this has been brought forward in the submission application, pre-application advice also queried whether a more contextual approach had been explored, however it is noted that the proposed development picks up the broad concept of the wide blocks of development and provides a better quality form and more modern approach. The siting of the front 'wing' also provides a residential frontage following the existing building line and the design has a domestic feel in terms of the window proportions and the ratio of roof to wall areas.

The existing palette of materials in the immediate area consists of render, brickwork and concrete roof tiles with the existing Church being constructed of a dark red/brown brick with a flat bitumen coated felt roof.

Buff brick is proposed here to replace the brown brick of the existing Church, which would complement nearby cream-rendered houses.

The mansard roof is finished with terracotta-coloured metal standing seam cladding with the applicant stating that this reflects the zinc roofing seen on the local school, while the terracotta colour aligns with many traditional roofs in the area.

The material palette aligns with the more contemporary appearance of the site and the materials are considered to be suitable.

In terms of the layout the proposed building is 'L' shaped with the widest aspect across the front of the site and closest to Belfield Road. The proposed building would be some 5m further forward in the plot than the existing Church resulting

in the proposed building being set back from the road by approximately 12m. This layout allows the proposed building to align with the building line of the residential properties to the south-west on Belfield Road. The proposed building would also be set further to the south-west than the existing Church building.

The general layout character for this area is terraces of 2 storey, pitched roof former Council houses now in private ownership.

The rise in levels between the front and rear of the site result in the rear 'wing' of the development being a storey higher, the rear aspect of the development protrudes to the north-west of the site. The communal gardens are proposed to the north of this part of the building and adjacent to the side boundary with no. 12 Belfield Road and the rears of the properties on Smallcombe Road. .

The private access road to the south will be widened to 4.8m with a new pavement of 1.8m, parking is provided to the west of the site as well as off of Belfield Road.

The general layout of the proposal, and in particular the 'wing' to the front of the site follows the grain of development in the immediate context in terms of building line and in terms of matching the characteristic wide blocks of residential properties.

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

Policy PNP1(c) of the Paignton Neighbourhood Plan includes relevant references to development proposals, where possible, retaining existing natural features, and furthers that hedgerows should be provided to at least one boundary.

The boundary that wraps around the top of the site, to the north east and north west, which adjoin neighbouring gardens will have a new 1.8m high wooden fence. This boundary will also be strengthened with hedgerows and planting to provide screening to neighbours and a BNG uplift. There are already a number of existing trees outside of the proposed boundary that provide a level of screening to the gardens adjacent.

The Council's Senior Tree Officer has raised no objection to the proposal subject to conditions to ensure the development is undertaken in accordance with the revised Arboricultural Method Statement (AMS) and Tree Protection Plans (TPP)

The proposal is considered to be a positive addition to the streetscene and given the proposed siting, scale, and design, it is considered that it would not result in unacceptable harm to the character or visual amenities of the locality. Subject to planning conditions, the proposal is considered to accord with Policies DE1 &

DE4 of the Local Plan, Policies PNP1 and PNP1(c) of the Paignton Neighbourhood Plan and the guidance contained within the NPPF.

3. Residential Amenity

The Torbay Local Plan contains policies to ensure that appropriate residential standards are achieved in residential schemes, including size standards, through Policy DE3, and that development meets the needs of residents and enhances their quality of life, through Policy SS11. The Paignton Neighbourhood Plan, in Policy PNP 1(d) (Residential Development), presents guidance on supporting elements required for residential units and the NPPF (Para 135) guides that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Future Occupiers

In terms of assessing the quality of the future residential environment it is important to consider the size and quality of the internal living spaces, the levels of outlook and natural lighting afforded key habitable rooms, levels of privacy, along with the quality of outdoor spaces and access to waste, cycle and car parking facilities, which are all integral elements for household developments. The aspiration is to secure good level of amenity for future residents.

In terms of the internal living spaces apartments meet the national internal living spaces standards of Policy DE3 and support the concept of a good level of amenity for future occupiers. The apartments will be afforded communal space to the east that exceeds the 10sqm per flat expectation in the Development Plan.

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

In terms of parking spaces, Appendix F of Local Plan Policy TA3 requires 1 space per 5 residents, the proposal provides 16 car parking spaces (although one of these is required to be removed by highways and a revised layout will be required prior to the planning decision being issued/via condition). The provision exceeds that required by Policy TA3. The proposal also provides parking spaces for 5 mobility scooters.

In terms of electric car charging facilities the Development Plan expectation is for all dwellings and 20% of apartments to have such facilities. Two vehicle charging points area provided which is considered acceptable in this instance given that the policy requirement for parking for the development would be 5 parking spaces.

Waste storage is provided via a communal ground floor bin storage area.

In terms of cycle parking, 16 covered and secure cycle parking spaces over a two rack stacking system

In terms of designing out crime Policy PNP1(g) of the Paignton Neighbourhood Plan expects all developments to show how crime and the fear of crime have been taken into account. It is recommended that a planning condition is attached to secure details on how the development responds to Secured By Design.

All these matters combined present good quality living spaces throughout the development. Subject to conditions as suggested the proposed residential environment is considered acceptable for all future users and would accord with Policies SS11, DE1 and DE3 in the Torbay Local Plan, PNP1(d) of the Paignton Neighbourhood Plan, and advice contained within the NPPF regarding creating good quality living environments.

Adjacent Occupiers

Due to the proposed layout, topography, the distances and orientation between properties, the use of obscure glazing and natural separation afforded by landscaping, the development is considered to have an acceptable impact the amenity of adjacent occupiers. In terms of the consideration to each border and likely impacts the following context and conclusions are offered.

The site directly borders residential properties to the north, east/north-east, north-west and south-west. The closest adjacent property to the new building is no. 12 Belfield Road (east/north-east) of the site which would be approximately 7m away at its closest point to the front 'wing' and approximately 15m away from the closest part of the rear 'wing'.

The proposed building siting within the plot is such that the front of it is approximately 1m back from the rear corner of no. 12 Belfield Road and the topography between the sites is such that the rear of 12 Belfield Road is set a few metres lower down. There is a mature hedge and tree line along this boundary and windows that do not align with this boundary feature, and therefore not obscured by it, are proposed to be obscure glazed. The applicant has provided CGI images looking through the upper windows which demonstrate that there would be no significant adverse overlooking from these windows due orientation and angles of site as well as the boundary trees and hedge. Similarly, the proposed balconies to the middle floor of the development would have views back into the rears of properties on Belfield Road obscured. It would however be possible to condition obscure glazing panels to the balconies to ensure this.

The applicant has produced a sun/light study for the summer and winter equinoxes at three points throughout the day: morning, midday, and late afternoon.

The sun study demonstrates that the proposed building would not result in any greater level of overshadowing/loss of light to neighbouring properties than that created by the existing Church. This is due to the close proximity of the existing

church to the site boundary, together with the presence of mature trees along the neighbouring boundaries, which already influence levels of daylight and sunlight.

As the proposed building extends to the rear, it gets further away from the properties to the north-east on Belfield Road and therefore reduces overdominance on these properties and their rear gardens. It should be noted that the addition of the 3 storey building would be likely to result in an increase in overdominance when compared to the existing relationship, however it is not deemed that this would be sufficient enough to result in the application being refused.

The proposed building would be 9.5m from no. 18 Belfield Road to the south, at its closest point to the front 'wing,' with the access lane in between. The side windows closest to no. 18 Belfield Road which are in the front 'wing' are to be obscure glazed. The windows facing south in the rear 'wing' are set back further being 18m from no. 18 and due to the existing boundary walls of the properties to the south, it is not considered that the proposal would result in having an unacceptable impact on the privacy and amenity of residents to the south of the site.

The Vicarage to the north-west is approximately 9.5m away and orientated so that it would have a side to rear relationship with the proposed building. Boundary trees limit overlooking of the rear garden of the Vicarage.

The proposal is considered to have an acceptable impact on the amenity and privacy of the occupiers of the properties to the rear of Smallcombe Road.

The properties to the west on Belfield Road i.e. on the opposite side of the road to the development, would be circa 25m away and would have a 'face to face' relationship. This would be in keeping with the general relationship of properties in this area and is not considered to have a detrimental impact on privacy or amenity and the visual impact is deemed to be acceptable.

In terms of Demolition and Construction impacts these can be duly managed through the provision of a Demolition and Construction Method Statement which would need to be approved and adhered to.

The application has been supported by an updated Statement of Community Involvement. On 19 March 2026 a consultation event was held and demonstrated a strong level of support for both the principle of redevelopment and the provision of affordable housing within the local area.

The development, for the reasons above, is considered to provide an acceptable relationship that protects the adjacent occupiers' amenity, in-line with policy DE3 of the Torbay Local Plan and in accordance with advice on delivering good living environments for all users, Policy PNP1 of the Paignton Neighbourhood Plan and as guided within the NPPF.

4. Highways, Movement and Parking

Key policy guidance within the Development Plan is engrained across Policies TA1, TA2 and TA3 of the Local Plan, and in terms of parking standards within Appendix F of the Local Plan. National guidance is largely framed within Chapter 9 of the NPPF. The general thrust of local and national guidance is to promote sustainable modes of travel, provide safe access, and to provide safe and attractive environments for all users, including the disabled and those with reduced mobility.

Updated parking plan submitted in April 2026.

Following changes to the proposal 16 vehicle parking spaces are provided with nine now located directly off Belfield Road. The remainder are to the rear of the site via a 4.8metre wide access up a 1:12 slope that also is used for Foxhole Community Centre and the Vicarage private residence.

A 1.8metre wide footway on a 1:10 slope now connects the footway into to the rear parking area through which onward access to the main building pedestrian entrance is achieved.

A communal bin area is located at the front of the building where refuse collection from the highway will occur.

16 covered and secure cycle parking spaces over a two rack stacking system and 5 mobility scooter parking spaces are located within an integrated cycle store off the main building entrance.

Appendix F of Torbay Local Plan Policy TA3 requires 1 parking space per 5 units of accommodation for the use proposed by this development. The proposal provides an excess of this requirement in order to provide visitor parking and to aid in reducing pressure for on street parking in the immediate area. Amendments to the number of parking spaces have been made during the application stage in order to accord with Highways advice.

Highways have further advised that one of the proposed parking spaces to the west of the site should be removed in order to provide adequate space for vehicle turning. This would provide the development with 15 parking spaces overall. The level of parking proposed even with the deletion of one of the spaces is considered to be acceptable.

Highways have also advised that in order to safeguard the safety of entry and exit onto the highway and operation of the network itself, the high railing proposed on the access road should not obstruct visibility of other road users. It is therefore requested that the railing is replaced with bollards. As previously noted, it is considered that this can be achieved through a revised plan submitted prior to the issuing of the decision notice (if Members deem that the proposal is suitable for approval), notwithstanding this, a condition has been included at the end of this report to cover the required changes.

The proposals are, subject to the satisfactory resolution of the matters discussed, considered to present an acceptable layout in terms of layout and movement, and provide satisfactory parking and cycle facilities, 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. Ecology and Biodiversity

Policy NC1 of the Torbay Local Plan and guidance within the NPPF seeks for development to duly consider biodiversity and geodiversity and take opportunities for enhancement, proportionate to the context and development.

The applicant's ecological assessment states that the church building was assessed to be of negligible value for roosting bats, and the Councils ecology consultant has confirmed that bats and protected species are unlikely to be impacted by the proposals.

The Councils ecology consultant has advised that the proposal is acceptable on Ecology grounds subject to the provision of conditions regarding restricting lighting, the provision of a LEMP, the carrying out of the suggested ecological enhancements within the ecological assessment and a condition referring to vegetation clearance and the bird breeding season. The advice also advises the addition of an informative reminding the applicant of their duty to protect bats and breeding birds during the demolition and construction phases of the development.

Subject to the addition of these conditions, the development is deemed to accord and NC1 of the Torbay Local Plan.

BNG will be discussed later in this report. Updated BNG information, tree report, EIA and A&D statement were submitted in April 2026.

6. Flood Risk and Drainage

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

The site is in Flood Zone 1 and the Critical Drainage Area with a small proportion of the site identified by the Environment Agency as being at risk of future flooding from surface water run-off.

A small part of the site is identified by the Environment Agency as being at risk of future flooding from surface water run-off. The applicant has provided sufficient information to confirm that the development is safe for future residents for the lifetime of the development.

National Planning Practice Guidance advises that where a site-specific Flood Risk Assessment clearly demonstrates that the proposed layout, design, and

mitigation measures will ensure that occupiers and users remain safe from current and future surface water flood risk for the lifetime of the development, and that flood risk is not increased elsewhere, the Sequential Test is not required (Paragraph 027, Reference ID: 7-027-20220825).

The drainage design shows the use of attenuation tanks with Attenuation Tank A discharging into Attenuation Tank B, with the combined site runoff restricted by a single Hydrobrake at SIC08 limiting the total discharge to the public sewer to 1.5 l/s (1 in 100 year + 50% climate change). Surface water from the site is proposed to discharge to an adopted surface water sewer which ultimately connects into the combined sewer network; discharge to the combined system is treated as a last resort given known network capacity issues. South West Water have confirmed that there is sufficient capacity within the network to accommodate the proposed development, and that a Section 106 (Water Industry Act 1991) sewer connection application would be required following the grant of planning permission. Subject to conditions requiring submission and approval of a Surface Water Drainage Maintenance and Management Plan and construction of the surface water drainage system in accordance with the latest submitted hydraulic design information, the Council's Drainage Engineer raises no objection.

The applicant has submitted detailed drainage information which states that surface water from the site is proposed to discharge to a surface water sewer which ultimately connects into the combined sewer network. The applicant has stated that South West Water has confirmed that there is capacity in the area of this connection and therefore consider this to be acceptable.

The development is considered acceptable on flood risk grounds, and would accord with Policies ER1 and ER2 of the Torbay Local Plan and policy PNP1(i) of the Paignton Neighbourhood Plan.

7. Low Carbon Development

Policy SS14 of the Local Plan relates to 'Low carbon development and adaptation to climate change' and seeks major development to minimise carbon emissions and the use of natural resources, which includes the consideration of construction methods and materials. Policy ES1 seeks that all major development proposals should make it clear how low-carbon design has been achieved, and that proposals should identify ways in which the development will maximise opportunities. ES1 also states that the retrofit of energy efficiency measures to existing buildings will be encouraged and supported, and that opportunities for reducing carbon emissions associated with energy use will be sought through the development management process as part of the wider conversion/refurbishment of buildings where planning permission is required.

In terms of the Paignton Neighbourhood Plan Policy PNP1(f) states that new development should aim to achieve where appropriate and subject to viability: i) the latest developments in sustainable construction and water management technologies that mitigate and adapt to climate change; ii) the use of reclaimed materials and natural finishes; iii) include soft landscaped areas for natural drainage of rain water, and compensate fully for any existing soft area lost to development; iv) on site renewable energy generation to achieve 20% of

subsequent in-use requirement wherever possible. Solar arrays will be encouraged where they do not adversely affect residential amenity, a vista of landscape value, or designated conservation area; v) connecting cycleways and footpaths where development involves new road infrastructure.

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

The application is supported by an Energy Statement that seeks to address the ambitions of the Development Plan and the NPPF. This states that the applicant seeks to minimise regulated energy consumption by means of excellent building fabric specifications including excellent U-Values and low air permeability to enhance the thermal efficiency of the new units.

The Energy Statement states the proposal will include the installation of electric panel heaters as the main heating source for the dwelling. While installing solar PV will further limit the energy demand and carbon emissions for the site with the solar PV equating to an 89.1% reduction in regulated carbon emissions.

These proposals are in line with Torbay Local Plan policies SS14 and ES1 and Policy PNP1(f) of the Paignton Neighbourhood Plan and guidance contained within the NPPF.

Affordable Housing

A section 106 Legal Agreement is required to be entered into to ensure that the development delivers 25 affordable units for persons ages over 55 who have a Local Connection. Age Restricted Dwelling means occupation of all dwellings is restricted to persons aged 55 or over except:

- a) In circumstances of a married couple or civil partnership, at least one person is aged 55 years of age or older.
- b) By persons who are full time carers for the person in occupation, at least one person must be aged 55 years or older
- c) Any person requiring specific accommodation to meet health needs who has first been approved by the Council

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 a redundant

brownfield site. 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, particularly 25 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 dwellings being Affordable units which should be given very substantial weight. The social impacts of the development weigh in favour of the development.

The Environmental role

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

Sustainability Conclusion

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

Statement on Human Rights and Equalities Issues

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

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

Local Finance Considerations

CIL

Not applicable to this development.

S106

A section 106 Legal Agreement is required to be entered into to ensure that the development delivers 25 affordable units for persons ages over 55 who have a Local Connection. Age Restricted Dwelling means occupation of all dwellings is restricted to persons aged 55 or over except:

- a) In circumstances of a married couple or civil partnership, at least one person is aged 55 years of age or older.
- b) By persons who are full time carers for the person in occupation, at least one person must be aged 55 years or older
- c) Any person requiring specific accommodation to meet health needs who has first been approved by the Council

This application also attracts a Waste Management contribution of £2,250.00

EIA/HRA

N/A

BNG

Biodiversity net gain (BNG) is a legal requirement for planning permission introduced on 12 February 2024. All applications are required to either provide detailed information proving there will be a biodiversity increase; or explain why they are exempt from doing so.

The applicant has confirmed that the proposal would result in the loss of 0.124 ha of modified grassland and 0.004 ha of bramble scrub which is considered to have a minor adverse ecological impact at a local scale.

It is proposed to create 0.065 ha of moderate condition other neutral grassland, 0.024 of moderate condition mixed scrub, and 0.004 ha of ground level planters and to plant a total of three individual small trees of moderate condition. The proposed habitat creation would result in a minor positive ecological impact.

Overall, the proposal would result in a gain of 0.13 habitat units (a 20.06 % net gain), and the trading rules would be satisfied by the metric, with positive unit change for each of the habitat distinctiveness groups.

The Councils Ecology Consultants has confirmed that the BNG forms have been completed correctly and that the standard BNG informative should be added to any permission.

Planning Balance

The planning assessment considers the policy and material considerations in detail.

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

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 and the housing supply is a substantial public benefit. The provision of 25 affordable homes is also a very substantial material public benefit.

Conclusions and Reasons for Decision

The relevant legislation requires that the application be determined in accordance with the statutory development plan unless material considerations indicate otherwise.

In terms of material considerations, the provision of 25no. affordable residential units, is a significant public benefit in favour of the development where national guidance seeks to significantly boost the supply of homes. The weight afforded to housing supply is not insignificant where the most recent Housing Delivery Test in December 2024 stated Torbay's result is 66%. Torbay's most recent housing land supply (2025) is that there is 1.65 years, which is a significant shortfall.

In terms of other matters that weigh in the developments favour there will be economic benefits through construction phase in terms of created jobs, and post construction in terms of local household spend within the local economy. In addition, social, economic and environmental benefits associated with building and occupying homes weigh in favour of the development.

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 planning conditions.

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 strong reason for refusing the development proposed or where any adverse impacts of doing so

would significantly and demonstrably outweigh the benefits (25no. affordable residential units), when assessed against the policies in the NPPF when taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

Flood risk will not be increased and the proposals include a detailed surface water management scheme that is supported by the Council's Drainage Engineer and there is no objection from South West Water.

Subject to the recommended planning conditions and planning obligations, there are no impacts on protected areas or assets of particular importance to provide a strong reason for refusal

Officer Recommendation

Approval: Subject to;

The conditions outlined below, with the final drafting of conditions delegated to the Divisional Director of Place Strategy.

The completion of a s.106 legal agreement to ensure the units of accommodation are affordable and for people over 55 and a planning contribution towards waste management.

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

Conditions

Drainage:

1. Surface Water Drainage Maintenance and Management Plan

Prior to the first occupation of the development hereby approved, a Surface Water Drainage Maintenance and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of: (i) the SuDS components (including planters), attenuation features and flow control devices (including the Hydrobrake), identifying their location and specification; (ii) routine inspection and maintenance activities; (iii) inspection frequencies; and (iv) the responsible management company/body and arrangements for maintenance for the lifetime of the development. The approved Plan shall be implemented in full prior to first occupation and shall be operated and maintained thereafter in accordance with the approved details.

Reason: In the interests of adapting to climate change and managing flood risk, and to accord with Policies ER1 and ER2 of the Adopted Torbay Local Plan 2012-2030.

2. Surface Water Drainage – Implementation

The surface water drainage system shall be constructed and implemented in accordance with the latest submitted hydraulic design information and the approved drainage strategy, and shall be fully operational prior to the first occupation of the development hereby approved. The system shall thereafter be retained and maintained in accordance with the approved details for the lifetime of the development.

Reason: In the interests of adapting to climate change and managing flood risk, and to accord with Policies ER1 and ER2 of the Adopted Torbay Local Plan 2012-2030 and the guidance contained in the National Planning Policy Framework.

3. External Materials

Prior to their installation, technical details and/or samples of the proposed exterior materials including wall finishes, roofing materials, eaves, fascias and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and shall be retained as such for the life of the development.

Reason: In the interests of visual amenity and in accordance with Policies DE1 and SS10 of the Adopted Torbay Local Plan 2012-2030 and Policy PNP1(c) of the Adopted Paignton Neighbourhood Plan 2012-2030.

4. External Lighting:

No external lighting (including for security) shall be installed or operated in association with the development hereby approved unless details (including location, specification, luminance, hours of use and light-spill mitigation) have first been submitted to and approved in writing by the Local Planning Authority. Any approved lighting shall thereafter be installed and operated only in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

5. Wildlife Enhancements:

The biodiversity and wildlife enhancement measures identified in the approved Ecological Impact Assessment shall be implemented in full prior to first occupation of the development (or in accordance with an alternative timetable first approved in writing by the Local Planning Authority) and shall thereafter be retained and maintained. Within one month of completion of the enhancement measures, written confirmation of completion (including photographs where appropriate) shall be submitted to the Local Planning Authority by a suitably qualified ecologist.

Reason: To secure biodiversity enhancements in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF

6. Bird Nesting Season:

No building work or vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the works will not disturb nesting birds and a record of this kept.

Reason: To avoid harm to nesting birds in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

7. LEMP:

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior commencement of the development/prior first occupation of the development/other. The content of the LEMP shall include:

- a) All management measures, and monitoring in respect of created and enhanced habitats (including methodology, frequency, and storage of monitoring record), necessary to accord with the approved Biodiversity Gain Plan for a period of 30 years.
- b) Description and evaluation of all ecological features to be managed.
- c) Ecological trends and constraints on site that might influence management.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- h) Details of the body or organization responsible for implementation of the plan.
- i) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To protect the landscape character of the area and to mitigate, compensate and enhance/provide net gain for impacts on biodiversity in accordance with Policies DE1 and NC1 of the Adopted Torbay Local Plan 2012-2030.

8. CEEMP

Prior to the commencement of development including ground works or vegetation clearance a Construction Ecological Environmental Management Plan (CEEMP: Biodiversity) concerning the site shall be submitted to and approved in writing by

the Local Planning Authority. The CEEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities and identification of stages of works.
- b) Identification of "biodiversity protection zones".
- c) Details of working hours; Details of all plant and machinery to be used during site clearance and construction stage, including an inventory of all Non-Road Mobile Machinery (NRMM); Details of temporary lighting used in construction of for security reasons.
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) Use of protective fences, exclusion barriers and warning signs.
- j) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In the interests of biodiversity and to minimise impacts on protected species in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

9. Land Contamination

No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with Policy ER3 of the Adopted Torbay Local Plan 2012-2030.

10. Construction/Demolition Management Plan

No development shall take place, including any works of demolition, until a

Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout

the construction period. The Statement shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works, with priority given to reuse of building materials on site wherever practicable.
- h) Measures to minimise noise nuisance to neighbours from plant and machinery.
- i) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- j) Procedures for maintaining good neighbour relations including complaint management.
- k) Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.

Reason: In the interests of highway safety with regards to construction traffic and the amenities of surrounding occupiers during the construction of the development further to Policies TA2 and DE3 of the Adopted 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.

11. Noise Impact Assessment

Prior to the commencement of development , except for demolition, a noise impact assessment shall be submitted to the Council for approval.

Reason: To prevent excessive noise and protect the residential amenity of occupiers in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

12. Hard and Soft Landscaping

Landscaping Prior to first occupation of the development hereby approved a hard and soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details: (a) size, species and positions for new trees and plants, (b) surfacing materials (including roadways, drives, patios and paths) (c) any retained planting and (d) a detailed programme of implementation. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development

being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with others of a similar size and the same species. All hard landscaping works shall be permanently retained thereafter in accordance with the approved details.

Reason: In interests of visual and residential amenity and in accordance with Policies C4, DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030.

13. External Amenity Spaces

The development hereby approved shall not be occupied or brought into use until the outdoor amenity spaces, including balconies, detailed on the approved plans have been provided in full. The outdoor amenity spaces and balconies shall thereafter be maintained and retained for the use of the development's occupiers for the life of the development. Reason: In the interests of residential amenity and in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

14. Tree Protection

The development hereby approved shall be carried out in full accordance with the approved Arboricultural Method Statement ref: DTS26.19134.2AMS (dated 15.04.2026) and Tree Protection Plan REF 19134.2.TPP 2 (Dated March 2026).

Reason: To ensure that all existing trees and hedges on the site and adjoining sites are adequately protected while development is in progress, in accordance with Policies NC1 and C4 of the Torbay Local Plan 2012-2030.

15. Obscure Glazing

Prior to the occupation of the development hereby approved, the obscure glazing shown on the approved plans shall be installed and shall be to Pilkington level 4, or an equivalent standard. The windows shall be fixed shut unless opening parts are located higher than 1.7m above finished floor level or they are fitted with a 100mm opening restrictor.

The windows shall thereafter be permanently retained in that condition.

Reason: In the interests of privacy of the neighbouring properties, in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

16. Privacy Screens

Notwithstanding the approved plans, prior to the following approved balconies being brought into use a scheme of privacy screens to the proposed balconies shall be submitted to the Local Planning Authority for approval. This should include 1.8m high obscure glazed privacy screens (to a minimum of Pilkington Level 4 or similar standard). The approved privacy measures shall be maintained and retained as such for the lifetime of the development.

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

17. Surface Water Drainage

The development shall proceed in full accordance with the approved drainage details and drainage strategy and shall be fully implemented prior to the occupation of the development hereby approved. The drainage system shall then be maintained at all times thereafter to serve the development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with Policies ER1 and ER2 of the Adopted Torbay Local Plan 2012 2030 and the guidance contained in the National Planning Policy Framework.

18. Flood Mitigation Measures

The development hereby approved shall be undertaken in strict accordance with the flood mitigation and resilient measures contained in the approved flood risk assessment. These mitigation and resilient measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. Reason: In the interests of flood safety and in accordance with Policies ER1 and ER2 of the Adopted Torbay Local Plan 2012-2030.

19. Low Carbon

The construction of the development hereby approved shall be carried out in accordance with the details contained within the approved Energy Statement (ref: 4419-EDP-XX-XX-RP-ER-6000-00, received 28.01.2026). All measures contained within the approved document to limit carbon emissions shall be implemented prior to first occupation of the development and shall be retained for the lifetime of the development.

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

20. Levels

The development hereby approved shall be constructed in accordance with the levels shown on the approved plans.

Reason: In the interests of the visual character of the area and amenity, in accordance with Policies SS11, DE1 and DE3 of the Torbay Local Plan and the NPPF.

21. Waste Storage - apartments

No dwelling shall be occupied until the approved waste storage facilities have been completed in full and made available for use. The facilities shall be maintained and operational at all times thereafter.

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

22. Cycle Parking

No dwelling shall be occupied until the approved cycle storage facility serving that dwelling has been completed in full and made available for use. The facility shall be maintained and operational at all times thereafter.

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

23. Section 278 Agreement

The development hereby approved shall not be brought into use until a Section 278 Highways Agreement has been entered into in order to secure the necessary works to the public highway including those to widen the existing access and provide a pavement and to provide the parking area to the south of the site off of Belfield Road.

Reason: To provide safe and sustainable access to the site for drivers, cyclists and pedestrians in accordance with Policies TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030.

24. Electric Parking Provision

The development shall not be occupied until the electric vehicle charging points shown on the approved plans have been provided and made operational in accordance with the location identified in the submitted and approved plans. The facility shall be retained and be operational at all times thereafter to serve the dwelling that it relates to.

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

25. Secured by Design

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

The approved measures shall be implemented in full prior to the first occupation of the dwellings.

Development shall take place in accordance with the approved details and shall be fully implemented prior to the occupation of the building to. The scheme shall be retained and maintained for the lifetime of the development.

Reason: In the interests of crime prevention in accordance with Policies SS11, DE1, DE3 of the Torbay Local Plan and Policy PNP1(g) of the Paignton Neighbourhood Plan.

26. Amended Highways and Parking Area

Notwithstanding the approved plans, prior to installation of the boundary treatment adjacent the side access road, details of an alternative boundary treatment, comprising bollards shall be submitted to and agreed in writing with the local planning authority. The details shall also show the removal of a single car parking space within the rear car park. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by an adequate means of access in accordance with Policies TA1 and TA2 of the Adopted Torbay Local Plan 2012-2030

Informative(s)

1. 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.
2. Bats and their roosts (resting/breeding places) and nesting birds are protected by law. In the event that a bat is discovered then works should cease and the advice of Natural England and/or a suitably qualified ecologist should be obtained. Works should not resume until their advice has been followed. If any nesting birds are discovered using the areas to be affected, work should not proceed until breeding has finished and all fledglings have departed the nest.
3. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority,
and
(b) the planning authority has approved the plan.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Relevant Policies

Development Plan Relevant Policies

SS3 - Presumption in favour of sustainable dev
SS8 - Natural Environment
SS9 - Green Infrastructure
SS11 – Sustainable Communities
SS12 – Housing
SS13 – Five year housing land supply
SS14 - Low carbon development and climate change
H1 – Applications for new homes
TA1 - Transport and accessibility
TA2 - Development access
TA3 – Parking requirements
C4 - Trees, hedgerows and natural landscape features
DE1 - Design
DE3 - Development Amenity
DE4 - Building heights
ER1 - Flood Risk
ER2 - Water Management
ER3 – Contamination
ES1 - Energy
W1 - Waste management facilities
W2 – Waste audit for major development and significant waste generating developments
NC1 - Biodiversity and geodiversity

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

