

Application Number

P/2016/0462

Site AddressLand At Alfriston Road
Paignton
Devon**Case Officer**

Mr Scott Jones

Ward

Blatchcombe

Description

Residential development comprising 80 units (revised from 83 as per revised plans received 30.08.2016), creation of new vehicular and pedestrian access, and associated works.

Executive Summary/Key Outcomes

The proposal is for full planning permission for the construction of 80 dwellings (reduced from 83 dwellings initially submitted) with vehicular and pedestrian access and associated works on land off Alfriston Road, Paignton.

The site is a tree and hedge lined grassed field of approximately 1.64 hectares that slopes down from the northwest to the southeast. To the north and west there are open fields, to the south and east lies residential development that dates from the 1990s.

The site is identified as a Committed Development Site within the Torbay Local Plan and sits in a wider Great Parks Phase 2 Masterplan area, where it is part of a residential character zone within the existing (but unadopted) masterplan document. Consequently the application supports the delivery of Local Plan policy (SS2; SS12) and helps meet the 5 year housing land supply. The proposal will also support the delivery of new jobs, creating approximately 3 FTE jobs for a year for every house built and will subsequently create approximately 26 FTE jobs from the demand for local services etc within the local economy.

Permission for 84 dwellings was granted for this site in 2014. This remains as an extant permission over the land and is a material consideration for the consideration of the current scheme.

Following revised plans the proposal is for a mix of detached, semi-detached and short terraced housing to provide 80 dwellings. The general scale, form and development pattern is considered acceptable, with buildings set in a perimeter block arrangement that presents active streets framed with buildings. This follows good urban design techniques and largely echoes the development character of earlier phases.

It is considered acceptable for the development to initially be accessed off Alfriston Road (and Cotehill Drive/Kings Ash Road junction), in-line with previous

consideration for the 84 dwellings approved in 2014, subject to 2 key parameters (as per Local Plan policy SS7). Firstly if the development is built out at the same time or follows the wider masterplan area and proposed new junction near to Spruce Way, the development should contribute to the provision of the strategic infrastructure of this new junction and vehicular access should be from the north and the Alfriston Road access should then be restricted for buses, waste collection, cyclists and pedestrians only. Secondly, should the development come forward prior to the northern masterplan area and access, as appears likely, and require vehicular access from Alfriston Road then this access should only be temporary until such time as the northern vehicular link can be made and also, as the Cotehill Road junction is nearing capacity, improvements to this junction must be secured to increase its capacity to allow the development to proceed by 2018 if commenced/occupied, or prior to occupation of the dwellings if the development proceeds later than 2018, and use this junction until such time as the northern link can be made.

By securing the above the development is considered to present the ability to link to and be served from the north when the northern area of the masterplan area permits, which aligns with the masterplan for the area, whilst mitigating its impact by increasing the capacity of the current junction and permit early delivery of the site. This strategy mirrors that secured through the proposal approved in 2014 and can be achieved through a S106 legal agreement.

The highway layout within the site is considered acceptable as the central south-north spine provides opportunity to connect northwards when future phases of the masterplan area come forward, in-line with the aspirations outlined above. To ensure delivery of a strategic highway link northwards the accompanying S106 legal agreement will have to secure that highway is built to the edge of the site and any land between this and the edge of the site shall be conveyed to the Authority for a negligible fee.

The residential environment is considered generally acceptable, with adequate internal living spaces, private gardens for all dwellings, and with at least two car parking spaces provided for each plot through a mix of garaging, driveways and parking courts. There are however 20 units that have two car parking spaces where the garage space within this provision does not accord with the size guidelines within Appendix F of the Local Plan. This presents non-compliance with policy and should be addressed through increased garage sizes or by other means. The matter is with the applicant to respond to officer concerns on this and Members will be updated at the Development Management Committee meeting.

In addition to the above parking matter there are still a number of issues to be resolved with the design of the scheme to improve the residential environment, which chiefly relate to gaining clarity on achieving unimpeded pedestrian access routes to certain dwellings, improvements to the pedestrian link to Luscombe

Road and clarity on the detail of the adjacent pocket of open space, and minor detail on certain dwellings to improve natural surveillance of public areas. Members will also be updated on these matters.

The applicant proposes to provide a policy compliant level of affordable housing at 30% for a Greenfield site and greater than the extant scheme which delivered only 15%. Officers are negotiating with the applicant over the acceptable location, mix and tenure of these units and Members will be updated.

The development shall contribute to the 5 year land supply and deliver development aligned with strategic Local Plan policies and the emerging Great Parks Phase 2 Masterplan. It will also contribute to economic prosperity by delivering the aforementioned jobs through the construction phase and post delivery through jobs linked to the increase in the quantum of housing within Torbay and increased workforce opportunities for employers.

In addition the heads of terms of necessary planning obligations are currently being discussed and the position on this will be reported to Members at the Committee.

Recommendation

Conditional approval delegated to the Head of Planning, Transport and Design; subject to (i) achieving increased level of off street parking provision to officers satisfaction without there being demonstrable harm to the street scenes, (ii) the submission of a surface water drainage solution to the satisfaction of officers, (iii) the submission of detailed proposed levels that provides satisfaction to officers that amenity would not be compromised from unsuitable outlooks or create unsatisfactory urban design outcomes, and (iv) the signing of a s106 legal agreement on terms acceptable to the Head of Planning, Transport and Design by the 27th September, or within 3 months of the date of this committee if an extension of time is agreed between the Authority and the Applicant, otherwise the application be refused.

Appropriate planning conditions to be delegated to the Head of Planning, Transport and Design.

Site Details

The site is located on the western edge of Paignton and is a largely rectangular tree and hedge bordered field that slopes from a high point in the north-west corner to a low point in the south-east corner.

Open fields border the site to the north and west and there is suburban residential development dating from the 1990s adjacent to the south and east.

Strategically the site is presently accessed off the Cotehill Drive/Kings Ash Road junction that serves the existing 1990s housing estate, with an existing short stub

road (Alfriston Road) extending from this earlier development to the southern border of the site.

There is a public footpath (Luscombe Road) along the eastern border of the site.

The site area is 1.64 hectares.

The site is allocated for housing in the Local Plan and identified as a Committed and Deliverable Site, as part of Great Parks Phase 2.

The Council has produced a masterplan for Great Parks Phase 2, which outlines that the site should provide circa 49 dwellings and be accessed from the north through the masterplan area and served off a new access near to Spruce Way. The masterplan was produced in conjunction with local residents and land owners, to facilitate delivery discussions with all landowners. The masterplan was not adopted, does not have weight in the decision making process and can only be considered as indicative.

The site is also part of the Ramshill County Wildlife Site (CWS) and lies adjacent to the foraging zone for the Greater Horseshoe Bat colony at the Berry Head Special Area of Conservation (SAC).

The countryside to the west also forms part of the wider CWS and is identified as a proposed country park within the Local Plan.

Detailed Proposals

The proposals have been revised since the application was originally submitted following discussions between officers and the applicant.

The current proposal is for a residential development with a total of 80 dwellings (previously 83), with vehicular and pedestrian access off Alfriston Road from the south, and pedestrian access on to Luscombe Road to the east, and with a layout that provides opportunity for a future highway link to the north.

The dwellings comprise of 4no. 4-bed properties, 54 no. 3-bed properties and 22 no. 2-bed properties, provided in a range of detached, semi-detached and short terraces of three properties.

30% (24 no.) affordable houses units are proposed through a mixture of two (13no.) and three (11no.) bed properties. The location and tenure of the affordable units is currently being discussed and an update will be reported to Members.

The number of dwellings has been reduced by 3 from the plans originally submitted and the arrangement and type of certain dwellings has also been changed in order to try and respond to points of concern raised by officers. The

changes have been carried out principally in order to achieve at least 2 parking spaces per dwelling and resolve urban design concerns in terms of street scenes, landscaping and the quality of the residential environment.

The proposed dwellings have fairly simple standard designs with pitched roofs and brick or render elevations. The roof forms are chiefly simple gables however there are certain unit types with inset gables and other units feature small dormers within the roofscape that adds interest. The adjacent suburban development that dates from the 1990s (Great Parks Phase 1) presents a similar scale, form and character of buildings to that proposed.

The predominant building finish is brickwork, which echoes the earlier phases, however there are rendered building finishes, which tend to sit around and define junctions.

All dwellings have at least 2 car parking spaces with the smaller units tending to have these supplied in parking courts or through driveways, and the larger dwellings having a mix of driveways and garaging.

A (soft) landscape scheme has been submitted which includes the retention of border trees and hedging and the provision of open plan gardens to the front and numerous street trees (within plot frontages and parking courts) throughout the scheme. No public open space would be provided however there are pockets of space within the scheme which may provide some scope for public enjoyment.

Summary Of Consultation Responses

The following provides a substantive summary of current consultation responses.

Urban Design Advisor: The introduction of a pedestrian access to Luscombe Raod is welcomed as it improves permeability and provides for movement into this key pedestrian route. The form of this should be more direct and legible that that which is currently shown.

The initial response to the lack of parking created its own concerns in terms of the resultant quality of the built environment, with parking far too dominant in the street. The current proposal (80 units) is more successful and it is evident that there are reduced runs of parking and strengthened landscaping, with far more tree planting within the street scene.

The relationship with existing green infrastructure requires more understating in order to secure a suitable relationship between retained trees/hedges and dwellings.

Further detail of the treatment of levels is required to understand the necessity and extent of retaining structures and the implications of these on the built form and residential environment.

Natural surveillance should be improved where streets are framed with blank gable ends through the provision of windows within ground floor habitable rooms, which will also add interest in the built form.

South West Water: No objection.

Environment Agency: The surface water drainage solution should accord with the Critical Drainage Area standing advice and in consultation with the Council's drainage department in their role as the lead local flood authority.

Drainage Engineers: As the storage volume for the Great Parks storage lagoon only caters for the phase 1 development, as part of the phase 2 development further works are required at the storage lagoon with a view to increasing the storage capacity in order to reduce the risk of flooding to properties downstream. As this work is required as a result of the proposed second phase of the Great Parks development the cost of these works together with the increased cost of the future maintenance of the storage lagoon should be secured from the developer through S106 funding.

The drainage strategy included within the flood risk assessment mentions that the site may be suitable for sustainable drainage such as soakaways. The scheme though identifies that all surface water drainage will discharge at a controlled rate to the surface water sewer system.

In accordance with the NPPF the developer must follow the surface water drainage hierarchy and investigate the use of infiltration drainage for the site and only if this is not feasible should a controlled discharge to a watercourse, surface water sewer or combined sewer be considered.

Only if the ground conditions are unsuitable for a sustainable drainage system should the surface water be drained to a watercourse, surface water sewer or combined sewer at a controlled discharge rate that accords with the EAs Critical Drainage Area advice.

Before this planning permission can be granted the applicant must supply details to address the points raised.

Strategic Transport & Highways: The principal of delivering the development off Alfriston Road (and thus more widely the Cotehill Drive/Kings Ash Road junction) within the current context is considered acceptable subject to securing the ability to link through with the wider masterplan area and being able to secure key highway improvements, be that either to the Cotehill Drive/Kings Ash Road junction, or the proposed junction to serve Greats Parks Phase 2, as identified within the masterplan. What option would depend on the timing of delivery.

Should the development come forward prior to the wider masterplan area to the north and east being delivered, which includes a new access on to Kings Ash Road, then the development would need to provide improvements to increase the capacity of the Cotehill Drive/Kings Ash Road junction, as secured within the previous application which is currently extant.

Contributions to secure improvements would include a financial obligation to provide Cotehele Road/Kings Ash Road (MOVA) signalisation and further improvements to Cotehele Road to improve capacity. It should also outline that when the northern access does become available this would be the main vehicular route and that Alfriston Road would then be amended to become solely for buses, waste collection, cyclists and pedestrians.

These improvements should be secured prior to 2018 if the development comes forward within the next 18 months, or prior to occupation of the dwellings if the development proceeds after 2018, in order to ensure that the increase in the capacity of the junction is achieved at the correct time. Should the development come forward together or after the wider masterplan area and hence have the ability to be served from the north from "day 1", and not via the Cotehill Drive/Kings Ash Road junction, then the contributions should be provided towards the provision of the new junction to serve Phase 2 development and the Alfriston Road access should solely be for the purposes of buses, waste collection, cyclists and pedestrians.

The provision of 2:1 parking in accordance with the Local Plan and the addition of a pedestrian link through to Luscombe Road are welcome amendments to the original submission, although note should be given to garage sizes.

Sustainable transport obligations should be secured in-line with policy to provide improved cycle and walking links around Luscombe Road and Cotehill Drive.

Arboricultural Officer: The scheme is suitable in principle for approval on arboricultural merit subject to minor variance to allow space for more significant street tree planting and the revision of proposed tree species to address concern in regard to the lack of significance in terms of some of the trees species suggested.

The supporting tree protection report and plans should be detailed as approved documents for adherence throughout the build if approval follows, to be installed prior to any commencement on site including land stripping and levelling exercises.

Green Infrastructure Officer: The site is located within the Ramshill County Wildlife Site and adjacent to the sustenance zone and strategic flyway associated with the Greater Horseshoe Bat Colony from the South Hams SAC.

The impact upon the County Wildlife Site (i.e. the loss of grassland habitat) must be mitigated via a financial contribution to Torbay Council for management and enhancement of habitats within other parts of the County Wildlife Site. This must be agreed and secured prior to determination.

The supporting information details the retention of hedge border and means of separating these from back gardens by chain link fencing. More thought is required on how the longevity and ecological value of these areas is retained.

In addition some further detail is required to ensure that the mitigation strategy is successful, which could be secured by condition, including a CEMP and LEMP conditions, and conditions should be considered to secure biodiversity enhancements such as bird and bat boxes, as identified within the submitted ecological data, and limiting external lighting to the outer borders that address the sustenance zone for the Greater Horseshoe Bats.

Natural England: The site is adjacent to the Berry Head SAC sustenance zone and strategic flyway. On the understanding that the proposals will prevent detrimental light spillage (typically 0.5 lux) on the northern and western boundaries it is unlikely that the proposals will present a "likely significant effect" upon the South Hams SAC.

The impact upon the County Wildlife Site (CWS), which is designated for diverse farmland habitat with bird, mammal and invertebrate interest, should be mitigated and the comments of the Council's Green Infrastructure Officer are supported on the point of biodiversity offsetting within the wider CWS.

Biodiversity enhancements should be secured in accordance with paragraph 18 of the NPPF, which may includes considering opportunities for green roofs, landscaping, nesting and roosting bird and bat opportunities and sustainable drainage.

RSPB: Comments awaited.

Council's Ecological Advisor: Comments awaited.

Affordable Housing Team: The proposal provides 30% affordable housing which is policy compliant for a Greenfield site and a welcomed increase to the 15% secured within the extant scheme.

The location and tenure of these units should be agreed with the Council's Affordable Housing Manager prior to the grant of consent and secured by S106 agreement.

Police Architectural Liaison Officer:

Advice includes that all rear and accessible side boundaries should be safe and

secure in order to design out the opportunity for crime. This is unclear on the plans. The plans do not detail rear gates and this detail should be secured. Retained hedges are best not left in the ownership of households due to potential maintenance issues and unacceptable management or removal. A secured maintenance strip is recommended and defined by a more definitive border treatment than a chain link fence, such as a 1.8m high fence. Natural surveillance should be carefully designed in to the design to ensure against the opportunities for antisocial behaviour to plots that may be vulnerable to crime where there is easier access to the side or rear of plots. Adequate space for parking and manoeuvring should be secured to design out the opportunity for conflict between residents.

Schools Capital and Planning Manager: Planning obligations to secure additional school capacity in the Paignton area should be secured.

Community Safety Team: No objection.

Summary Of Representations

There have been circa 20 letters of representation objecting to the application. The following material considerations were raised:

- The junction at Cotehill Drive/Kings Ash Road will not cope with the additional traffic
- The road network within the estate will not cope with the additional traffic or construction traffic
- Impact of construction traffic on amenity
- The development should not come forward prior to the northern access near to Spruce Way being delivered
- The development doesn't respond to the additional traffic that is found on Kings Ash Road
- The development fails to respond to the principles of the phase 2 masterplan
- The density proposed is too high
- The proposal will increase parking pressures in the area
- Drainage concerns
- Overlooking and loss of privacy
- The landscape strategy proposes large trees close to properties
- Construction traffic should be retained within the site as the roads do not have capacity for this additional pressure
- Lack of amenities for more housing
- Impact upon wildlife.

Relevant Planning History

P/2012/1074 - Residential development to form 84 dwellings, creation of new vehicular and pedestrian accesses and associated works (revised) - Approved 20.03.2014 - Subject to a S106 legal agreement (which included financial

obligations to highway infrastructure, drainage infrastructure, biodiversity mitigation, greenspace, hedgerow management, local centre provision, waste management facilities and affordable housing.

Key Issues/Material Considerations

The key issues are:

1. The principle of the development
2. Highway and movement issues, including the capacity of Cotehele Drive/King's Ash Road junction
3. Design
4. Car parking
5. Privacy and amenity
6. Ecology
7. Surface water drainage
8. Affordable housing

1. The principle of the development:

The principle of the development is acceptable, as the site is allocated for housing in the Local Plan as part of Great Parks Phase 2 (Policy SDP3.2), being part of a wider identified "Committed and Deliverable Development Site".

The site lies within a Strategic Delivery Area (as outlined above) and with an extant permission providing an existing commitment for housing on the site the Local Plan identifies that it is expected to form part of the earlier delivery of the wider housing need.

As an allocated site the principle of the proposal is considered to be aligned with the ambitions of a number of strategic local plan policies, principally Policies SS1 (Growth Strategy for a prosperous Torbay), SS2 (Future Growth Areas) and Policy SS3 (Presumption in favour of sustainable development).

In terms of a site specific context the principle of housing is considered to accord with the emerging Great Parks Phase 2 masterplan, which identifies the site as a residential character zone within the wider masterplan area. To accord with the strategic goals for the area consideration should be given to aiding the delivery of strategic infrastructure regarding the new access identified within the masterplan (Spruce Way) and the delivery of the new local centre proposed in the masterplan area. The former will be discussed in the following "highway impact" section of this report, the latter is raised within the "S106 Obligations" section.

It is apparent that the proposed number of units is greater than the existing masterplan expectations for the site, where it is expected to deliver circa 49 dwellings, however the number of units should be considered on its own merits in accordance with local and national policy in order to deliver the efficient use of land. As a material consideration there is an extant permission for 84 over the

land.

The National Planning Policy Framework (NPPF) advocates a presumption in favour of sustainable development, which for decision taking means approving development proposals that accord with the development plan without delay, unless material considerations indicate otherwise.

Therefore, provided the design and technical matters of the application are in accordance with the policies in the Local Plan, the application should be approved. Where issues are not addressed by policies in the Local Plan, the application should be approved unless its impacts are significantly greater than its benefits, taking into account the policies in the NPPF.

2. Highway and Movement, including the capacity of Cotehele Drive/King's Ash Road junction

The application proposes a similar access and highway layout to that approved in 2014 (for 84 dwellings), with an initial access off Alfriston Road but with a road alignment within the site that can secure a link with future development within the wider masterplan area to the north. The future link is achieved through the provision of a highway to the northern edge of the site within the plans.

The extant proposal for 84 dwellings approved in 2014 is a material consideration and this confirmed that the Cotehele Drive/King's Ash Road junction had enough capacity to cope with the traffic generated by 84 dwellings until 2018. It also established that the provision of MOVA traffic signals at the junction would extend this capacity by about 1 year before further works to widen and increase the capacity would be necessary if access from the north had not been established within the intervening 12 months.

Taking the aforementioned conclusions the previous proposal was considered to be acceptable on highway grounds as by the time the Cotehele Drive/King's Ash Road junction was expected to go over capacity (in 2018/2019), it was suggested that the rest of Great Parks Phase 2 would have been built, including the access road to the site from the northeast, which would have permitted the access from Alfriston Road to be closed to vehicular traffic except for buses. There was consideration of the scenario of a delay beyond 2018/19 for a northeast access and if the link was not built prior to 2018/2019 (when the Cotehele Drive/King's Ash Road junction was to go over capacity), the funding towards the new access was to be spent instead on upgrading the existing junction to ensure that it operates within capacity, until such time that the development could link northwards. The mechanism to achieve this was secured through a S106 Agreement.

The current proposal presents similar issues to that of the extant permission in terms of raising two key questions on strategic layout and capacity.

In terms of strategic layout the proposal presents a similar arrangement to that of the extant permission, where it seeks an immediate access off Alfriston Road in order to permit the site to be delivered rather than be dependant on the wider masterplan area coming forward off a new junction near to Spruce Way. The internal highway arrangement within the site therefore includes a future highway link to the wider masterplan area and as the proposed development can eventually be served via the new access to Great Parks Phase 2, it is considered to accord with the strategic highway expectations for the area.

In regard to capacity the proposal for 80 dwellings would not present any additional pressure upon the highway network above that of the extant permission approved in 2014 for 84 dwellings. Both schemes propose an immediate access off Alfriston Road in the absence of development and access opportunities from the north. It was previously concluded that the impact on the Cotehill Road/Kings Ash Road junction would present capacity issues from 2018 onwards and this was addressed by the assumption that the previous development could be served from the wider masterplan area by that time, or if not that the Cotehill Road junctions' capacity would need to be increased. It remains that the desired scenario is that the development is, from day one, served off a new access in-line with the Great Parks Phase 2 Masterplan. However in the absence of this opportunity it is accepted that the development can be adequately served off the Cotehill Road/Kings Ash Road junction until such time that the link can be made, subject to junction improvements being secured to increase its capacity.

In order to provide an acceptable highways solution it is proposed that the issues around the strategic highway layout and capacity are addressed within an accompanying legal agreement in a flexible manner in order to respond to the context of the delivery of this site and the wider masterplan area (and the need or not to use the Cotehill Road/Kings Ash Road junction).

It is proposed that correct delivery of vehicular access is addressed by securing a link to the north and highway contributions to help deliver the new proposed junction opposite Spruce Way, in order that the site is only ever served from the north should the link be in place. But in the absence of this if the site, as somewhat expected, comes forward prior to the wider masterplan area, then the proposal instead ensures that the capacity of Cotehill Road/Kings Ash Road junction is increased in the interim to mitigate any impact upon this junction and that there is then also a mechanism to link through to any future northern access and then alter/restrict the Alfriston Road access as necessary in the future. In this scenario should the development come forward prior to 2018 then MOVA light system enhancements should be secured to increase the capacity of the junction in 2018 which will prolong the capacity of this junction by 12 months. If in the intervening 12 months the northern access becomes an option then financial obligations should be secured to help achieve this link. If the northern link isn't a practical option at this point then financial obligations to widen and

increase the capacity of the Cotehill Road/Kings Ash Road junction should be secured. In all scenarios the principle of the northern access becoming the main vehicular route when available and the Alfriston Road changing to a strategic bus/waste/cycle/pedestrian route should be enshrined within the accompanying S106 agreement.

Strategically as the site has been designated for housing through both the previous and new Local Plan the Council's 2010 SATURN transport modelling accounted for the site and its strategic impact upon the Western Corridor, which informed the strategic designation for sites in the new Local Plan. The accompanying Transport Assessment update has confirmed that the development would have no net increase upon the extant permission and hence the current proposal has no impact upon the wider strategic network compared to the extant permission.

In regard to related highway matters should planning permission be granted, local residents' concerns regarding the impact of construction traffic on the estate roads and local amenity could be adequately addressed through a condition for a Construction Method Statement requiring these details.

Based on the above matters being addressed the proposal accords with Policy SS7 (infrastructure, phasing and delivery of development), TA1 (Transport and accessibility), and TA2 (Development Access) of the Local Plan, being subject to securing funding towards the new access to Great Parks Phase 2, or improvements to the Cotehele Drive/King's Ash Road junction (and future amendments to the Alfriston Road), through a S106 Legal Agreement.

Para. 32 in the NPPF states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". The consultation response from the Council's Strategic Transport and Highway officer confirms that providing the provisions outlined above are secured in the S106 agreement the impact of the development on the highway network would be acceptable.

3. Design

To date, the proposed design layout of the scheme has been revised twice.

The first was in response to officers concerns over the limited parking as almost a third of the dwellings were only provided with one parking space each, and also over the apparent lack of a pedestrian link to Luscombe Road, which was considered strategically important.

The first revision responded positively to officers concerns in regard to parking and provided at least two parking spaces per dwelling, whilst also introducing a pedestrian link to Luscombe Road, which improved the pedestrian permeability and therefore sustainability of the scheme. The revision did however raise

concerns in regard to the resultant impact upon the quality of the urban environment due to the visual impact of the additional parking, and also the actual quality of the pedestrian link.

The second revision, which is now before members, reduced the number of dwellings from 83 to 80 and has proposed further layout changes to try and address officer concerns from the revised draft plans.

The main change that accompanies the reduction in dwelling numbers is the reduced provision of driveways for house types that previously proposed two driveway spaces and an integral garage. These units now mainly have only one driveway space to supplement the integral garage, which has freed up space and permitted a greater degree of tree planting through the public/private realm to soften the street scene. In addition it should be noted that there is also a change to certain house types to further lessen the prominence of parking and soften the street scene. The plans also show an increase in the size of the detached garages in order to accord with Local plan size guidelines. The revised plans also provide greater clarity on the existing and proposed landscaping through the scheme.

In regard to the second revision now before members, officers make the following observations:

The general layout is considered acceptable with a form of perimeter development providing streets that are presented with active frontages to frame the public realm. The general scale of buildings is considered acceptable with a predominance of two storey buildings, some with accommodation within the roof, being comfortably aligned with the domestic scale of the established suburban environment. The form of buildings, with brick and render finishes under simple pitched roofs, is also considered acceptable, again being comfortably aligned with the already emerging local character.

In regard to the residential environment the dwellings are considered adequately sized and are afforded suitable levels of natural lighting in order to present a good quality internal environment for occupants. The garden sizes generally accord or exceed the estimated requirement outline within Policy DE3 (Development Amenity) of the Local Plan, which outlines an expected provision of 55 sq m of usable garden space for dwellings. Where this level of garden space is not met the gardens are relatively open and the provision is not considered poor in terms of general scale. There remains concern over the quality of access to certain dwellings where there could be restricted access to plots when cars are parked within designated spaces. This matter has been raised with the applicant as officer concerns remain that clear access to certain plots could be obstructed by cars, which would create a poor residential environment.

There has also been a concerted effort to provide 2 parking spaces to accord with the Council's parking requirement following the initial submission. Presently all dwellings have been provided 2 spaces, through a mix of parking courts, driveways and garages. However although the detached garages accord with the size guidelines within the Local Plan the integral garages do not meet the internal size guideline of 3.3m wide by 6m deep and therefore should not be considered as part of the parking provision. Therefore 20 units, those which are subject to only one driveway space and one (non compliant) integral garage, are considered to provide inadequate parking provision and officers are seeking a response on this matter from the applicant with the endeavour to provide policy compliant parking (which does not demonstrably effect other aspects of the scheme such as landscaping). Members will be provided with an update on this matter.

The current proposal provides a strengthened landscape provision in comparison with that which was previously shown, with public trees (within front gardens and parking courts) forming a bolder landscape concept to support the retained landscaping around the boundary of the site. The comments of the council's Arboricultural Officer on the amended landscaping are pending and members will be updated. However, without prejudice, the current proposals appear to present the potential to suitably soften the built environment subject to agreement on species, planting detail and maintenance.

There is no apparent public open space on the site or provision of green infrastructure, however there is potential more widely for greenspace in the area and the land to the west is identified as a public park within the Local Plan. A contribution towards providing greenspace elsewhere on Great Parks Phase 2 or nearby would be acceptable in the context. There are pockets of space that may require further consideration so as not to be simply "space left over", the most notable being in the north-east corner adjacent to the pedestrian link.

Based on the above, subject to resolution of the parking provision, access to properties and landscaping, the proposal is considered to provide an acceptable design and residential environment, in accordance with Policies DE1 (Design) and DE3 (Development amenity) of the Local Plan.

4. Parking

The Council's parking standards outline an expected requirement of 2 garages/car parking spaces per dwelling within the curtilage. The location of the development site, on the edge of Paignton, means that this provision should be met.

The current proposal shows that all dwellings are afforded at least two car parking spaces. However 20 units are supplied with 2 spaces where one of these is a garage that does not accord with the size guideline within the local plan, where garages should be at least 3.3m wide by 6m deep in order to count

as a parking space. The guidance is that these should hence not be considered as part of the parking provision.

The applicant has reduced the number of driveway spaces to try and reconcile concern from officers on the lack of landscape potential to soften the built form. This has in turn created an issue on a lack of parking where the garages are undersized.

In regard to context 12 dwellings within the extant scheme were approved with only one car parking space in 2014 so that current scheme not only fails to accord with the new local plan but also presents a worsening in terms of under-provision when compared to the extant scheme.

Officers have raised the lack of parking / inadequate garage sizes with the applicant and have requested a positive response on the provision of policy compliant parking that does not demonstrably weaken the landscape offer (or wider urban design quality of the scheme). Members will be updated.

Therefore, at present the proposal does not accord with Policy TA3 (Parking requirements) or DE1 (Design) and DE3 (Development amenity) of the Local Plan. In the event that that applicant does not change the level of off street parking provision, the submitted level falls below the standard needed to meet the requirements of Policy TA3, and the proposal should therefore not be supported.

5. Amenity

The separation distances between the proposed dwellings and existing properties surrounding the site are satisfactory in order to maintain adequate levels of privacy and amenity. It is noted that the existing hedge and tree borders are to be retained which aid in retaining suitable levels of detachment and privacy.

The separation distances between the proposed dwellings within the development are considered acceptable. Back-to-back distances exceed or are close to 20m in all cases which provides adequate privacy between houses. There are back-to-side relationships within the layout and the distances also provide adequate privacy and natural lighting.

There is no public open space proposed within the site and it is proposed that a public open space contribution should be secured in accordance with the Council's Planning Obligations and Affordable Housing SPD in order to address local need resulting from the development. In this location the obligation can contribute to the creation, management and maintenance of the proposed Great Parks Countryside Park, which is identified within the Local Plan and is in close proximity to the site.

Therefore, in terms of privacy and amenity, the proposal accords with Policy DE3 (Development amenity) of the Local Plan.

6. Ecology

The site is located within a County Wildlife Site (CWS) and is close to the sustenance zone and strategic flyway of the Greater Horseshoe Bat colony associated with the South Hams SAC at Berry Head.

The existing hedge and tree borders are to be retained however certainty on the retention and management of the hedgerows should be secured through condition. There will be an impact upon the CWS through the loss of the central grassland habitat and this can be mitigated and the Council's Green Infrastructure Officer has proposed that the impact of the development could be offset by a financial contribution to Torbay Council for the management and enhancement of other habitats within the wider CWS. This strategy is supported by Natural England.

In regard to the impact upon the Berry Head SAC sustenance zone and strategic flyway Natural England are content that, on the understanding that the proposals will prevent detrimental light spillage (typically 0.5 lux) on the northern and western boundaries, it is unlikely that the proposals will present a "likely significant effect" upon the bat colony.

The comments of the Council's ecological advisor are pending and will be reported to members on the day in terms of the impact upon the SAC and any conditions necessary. Comments from the RSPB are also awaited and any response will be reported to members at the Committee.

Both Natural England and the Council's Green Infrastructure Officer have highlighted the requirement for achieving biodiversity enhancements, in order to comply with paragraph 18 of the NPPF and also Local Plan policies.

In order to adequately address the ecological constraints it is suggested that conditions are secured to address the construction phase through a CEMP (construction and ecological management plan), to secure detail and mitigation in regard to the landscaping through a LEMP (landscape and ecological management plan), compliance with the mitigation measures outlined within the submitted ecological strategy, to include the provision of 25 bird boxes and 20 bat boxes, and the submission and approval of a lighting scheme designed in consultation with a suitably qualified ecologist and restriction on external lighting to dwellings facing the identified dark wildlife corridor.

Subject to the comments from the councils' ecological consultant, who is considering the likely significant effect upon the South Hams SAC, and any forthcoming comments from the RSPB, the matters outlined above can be adequately addressed through planning conditions and a financial payment for

agreed mitigation on the CWS. On the basis of addressing the points above, the development is considered to provide development that accords with Policy NC1 (Biodiversity and geodiversity) of the Local Plan.

It is noted that the financial contribution for biodiversity offsetting should be secured in a S106 Agreement and has yet to be agreed.

7. Surface water drainage

The Council's Drainage Department as the Lead Local Flood Authority has outlined that the proposed drainage strategy does not accord with Local Plan policy or the Environment Agency's CDA (Critical Drainage Area) advice, as it proposes that surface water will be discharged to the public sewer at a controlled rate without firstly exploring and discounting soakaways.

In accordance with the NPPF and Local Plan Policies and EA guidance the developer must follow the surface water drainage hierarchy and investigate the use of infiltration drainage for the site and only if this is not feasible should a controlled discharge to a surface water sewer be considered.

In order to address the above the developer must carry out trial holes and infiltration tests at the location and invert level of all the proposed soakaways as these infiltration tests are required in order to confirm whether or not that the ground conditions are suitable for soakaways, and inform the design of any required soakaways. All details of these trial holes and infiltration tests must be submitted with the detail design and any soakaways must be designed for the critical 1 in 100 year storm event plus an allowance for climate change.

Until the above is addressed the proposal is not suitable for planning approval.

Should any part of the surface water runoff from the site drain into the main sewer a financial contribution towards works to increase the storage capacity of the Great Parks storage lagoon situated on the Clennon Valley watercourse and its maintenance should be achieved. This is necessary because it currently only caters for the phase 1 development and in order to reduce the risk of flooding to properties downstream. This should be secured in a S106 Agreement, which accords with the methodology taken with the extant permission approved in 2014.

At present the proposal fails to accord with paragraphs 99-104 of the NPPF with reference to managing flood risk and fails to accord with Policies ER1 and ER2 of the Local Plan and the Environment Agency's CDA (May 2015) advice leaflet.

The above should be addressed prior to the grant of permission. The matter has been raised with the applicant and members will be updated.

8. Affordable Housing

The proposal would provide 30% affordable housing in accordance with Policy H2 of the Local Plan for a Greenfield Site. This equates to 24 affordable units within this scheme.

Although there is a policy preference for the affordable housing to be provided on the basis of 33% social rent, 33% affordable rent and 33% shared ownership/intermediate, the tenure proposal is currently being considered by the Council's AH Manager.

As a point of context the extant permission for 84 dwellings provided 15% affordable housing (13 units) having been assessed under the viability process.

The proposal is for 24 units of affordable housing, 13 x 2-bed and 11 x 3-bed and is currently being discussed on the basis of providing 17 social rent and 7 shared ownership homes.

Negotiations are ongoing and the latest position will be reported at Committee.

S106/CIL -

The following contributions are required in accordance with Policy SS7 of the Local Plan and the Planning Contributions and Affordable Housing SPD:

- o Waste Management (Site Acceptability): £4,000
- o Sustainable Transport (Sustainable Development): £122,245.00
- o Education (Sustainable Development): £38,035.00
- o Greenspace and Recreation (Sustainable Development): £95,505.00
- o Lifelong Learning (Sustainable development): £15,870.00

Figures have been calculated for the revised number of dwellings (80) and are based on the provision of 24 affordable housing units of which 7 are shared ownership.

In addition, the following further site acceptability contributions are required in order to mitigate direct impacts as identified within this report:

Highway impact mitigation

Obligation for contribution towards either the Great Parks Phase 2 access, or junction improvements and the provision of MOVA traffic signals for the Cotehill Road/Kings Ash Road Junction, subject to when the site is delivered compared to the wider masterplan area.

Should the site come forward to permit initial access from the north then the proposal should contribute £127,000.00 towards the delivery of the Spruce Way junction.

Should the site come forward prior to this then £30,000.00 should be secured to

provide a MOVA light system for the Cotehill Road/Kings Ash Road junction by 2018 or prior to the first occupation if after this date, and £120,000.00 should be secured by 2019, or prior to the first occupation if after this date, for further improvements works to increase the capacity of this junction.

Should the northern access come forward within 12 months of the provision of MOVA lights then the subsequent infrastructure obligation should be diverted towards the delivery of the Spruce Way junction.

Should the development come forward in conjunction or after the wider masterplan area £127,000.00 should be secured to aid the delivery of the new junction close to Spruce Way.

Biodiversity/County Wildlife Site (CWS) offsetting mitigation

Biodiversity/CWS offsetting mitigation: Sum to be agreed. It is proposed that the impact of the development on the CWS will be offset via a financial contribution to Torbay Council for management and enhancement of habitats within other parts of the CWS (In accordance with paragraph 4.1, Ecological Mitigation Strategy, Green Ecology June 2016 and supported by Natural England's comments dated 18th July 2016).

The level of contribution, area of land for offset, offset strategy and the organisation responsible for delivery of the offset is to be agreed and for a point of information the extant scheme secured £90,429.00 as a mitigation payment.

Surface Water Drainage impact mitigation:

Upgrading and maintenance of Great Parks storage lagoon dependant on the schemes surface water drainage connection (whole or in-part) in to the public surface water sewer system.

The extant scheme presented a mixed drainage solution of dealing with drainage within the site via soakaways and connecting to the public surface water sewer system.

This previous solution required a financial mitigation of £225,869.00 (index linked) for improvements to the capacity of the Great Parks storage lagoon.

As indicated the mitigation, if necessary, will be dependent on the agreed surface water treatment strategy, which is presently undetermined.

Local Centre provision:

A contribution is required towards the provision of a Local Centre elsewhere on Great Parks Phase 2. The sum to be agreed. For information the extant scheme approved in 2014 provided mitigation to the sum of £27,720.00 (index linked).

Affordable Housing

30% affordable housing is also required, as previously discussed.

Any update on this position will be reported at Committee.

The above contributions have to be recalculated should there be any reduced number of dwellings in any subsequent plans or alterations to the affordable housing provision.

Justifications

The contribution towards waste management is justified in paragraph 2.18 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6) and will pay the cost of providing bins to the proposed dwellings. It also accords with Local Plan Policy W4.

The contribution towards sustainable transport is justified in paragraphs 4.12-4.24 of LDD6 and will be used towards the enhancement of local bus/cycle infrastructure. The NPPF and Local Plan Policy TA1 and TA2 promote sustainable transport modes. The proposed dwellings would generate additional trips and should therefore contribute toward sustainable transport in the area.

The contribution towards education is justified in paragraphs 4.40-4.46 of LDD6 and will be used towards funding Children's Services Capital Programme, which includes Primary School expansion in Paignton. The proposed development includes family dwellings where children might reasonably be expected to go to these schools; therefore, the development should contribute towards education. It also accords with Local Plan Policy SS7.

The contribution towards lifelong learning is justified in paragraphs 4.47-4.51 of LDD6 and will be used towards the cost of improving provision at Libraries. The proposed dwellings would place additional demand on the services provided by Paignton Library and the contribution will ensure these services are provided with funding to mitigate the proposed development.

The contribution towards greenspace and recreation is justified in paragraphs 4.52-4.58 of LDD6. No public open space will be provided on-site; therefore a contribution is required towards provision of off-site public open space elsewhere on Great Parks Phase 2.

The contribution towards junction improvements to Cotehill Road/Kings Ash Road junction is justified to improve capacity for a junction that would otherwise not be capable of the additional traffic generated from the development.

The contribution towards the new access to Great Parks Phase 2 further to the north along King's Ash Road, if available, is considered justified as this is a strategic cost necessary to make the development acceptable.

The contribution required offsetting biodiversity impacts on the site and loss of part of the County Wildlife Site is justified because biodiversity mitigation will not be provided on-site. This approach is given weight in Section 11 of the NPPF.

The contribution towards upgrading and maintaining the Great Parks storage lagoon on the Clennon Valley watercourse is justified should surface water from the development site drain into the main sewer, as it will place additional burden on this infrastructure and increase the risk of flooding to downstream properties. The storage lagoon and other attenuation measures were only constructed to accommodate the downstream discharge from Great Parks Phase 1, not Great Parks Phase 2.

The contribution towards the Local Centre is justified, as the development site forms part of Great Parks Phase 2, which must include a Local Centre in order to deliver a sustainable community. The land required for the Local Centre will have less value than land for residential development and this cost should be borne equally by all the land owners of Great Parks Phase 2.

30% affordable housing is justified in Section 3.0 of LDD6. It also accords with Local Plan Policy H2.

Conclusions

The principle of the development is acceptable.

The strategic issues around developing the site prior to the wider masterplan area can be managed through securing a future link northwards.

The constraint of the capacity of the Cotehele Drive/King's Ash Road junction can be overcome through securing funding to pay for improvements to this junction and increase its capacity, in the S106 Agreement, should it come forward before the northern access.

There are still some issues with the design of the scheme that need to be resolved before planning permission can be granted.

The surface water drainage strategy requires further exploration or justification in order to comply with the Council's drainage hierarchy. This must be done prior to issuing a grant of planning permission.

Design issues, in particular relating to the provision and landscape integration of a policy compliant amount of car parking in the scheme, and the ability for unimpeded access to dwellings. These issues require further thought.

In addition negotiations are still ongoing concerning the contributions required to make the development acceptable in planning terms and deliver sustainable development. Contributions are outlined within the report but may need to be

recalculated for any reduced numbers or size of dwellings or AH provision.

Negotiations are still ongoing concerning the proposed mix and tenure of the affordable housing however the proposal is presently policy compliant in terms of there being 30% affordable units.

In light of the above, the recommendation is that the principle of the development should be approved, subject to officers finalising an acceptable drainage solution, parking provision, access detail to dwellings and landscaping detail, along with agreement on the level of contributions required and mix and tenure of affordable housing to be secured in a S106 Agreement.

Relevant Policies

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