

**Application Number**

P/2016/1047

**Site Address**

Land At Barton Road  
Torquay

**Case Officer**

Mr Scott Jones

**Ward**

Tormohun

**Description**

Construction of new building to provide up to 75 one and two bedroom apartments.

**Executive Summary**

The site is the remainder of the former South Devon College Site in Torre, Torquay, which sits just north of the Newton Road set between Kwik Fit to the south and McKay Avenue to the north.

The application seeks outline planning permission, with all matters reserved except for access, for up to 75 apartments.

The indicative plans show a large single building with undercroft and basement parking with 6 floors of accommodation above, with the upper two floors being recessed.

The application proposes a vehicular access off McKay Avenue and the indicative plans show 75 one and two bed apartments within a modern looking building. The plans have been amended and now show 92 car parking spaces and amended cycle and waste storage.

There is a long history to the development of this site which forms part of the former South Devon College. The site was originally included in the Master Plan for Torre Marine, as the wider site is now known.

Permission was granted originally for 61 sheltered flats with 1500 m2 of office accommodation in a building that extended up to 7 storeys. As the permission for the wider site has been implemented this could be built out at any time.

Planning permission was subsequently granted in 2010 for the deletion of the office accommodation and the use of the whole building for 'higher dependency' extra care accommodation (75 units). A start on site was made but mothballed due to the state of the housing market at that time.

A further application was granted permission to vary the tenure of the units and deliver 50 extra care units and 25 sheltered units, but this was not implemented.

The proposal shows a building that is essentially a similar footprint and size as the previous approvals on the site.

The site is considered suitable for residential use and the key issues are whether open market housing can be adequately provided with the necessary parking, amenity space, and other necessary elements required for permanent residential occupancy within what is a restricted site. For the purposes of an outline permission the indicative plans largely resolve an acceptable scheme that suggests that 75 units can be adequately delivered on the site.

The accommodation would be CIL liable and based on the indicative plans would secure around £192,000 in liability payment.

### **Recommendation**

Approval: Subject to conditions delegated to the Executive Head of Business Services, to include those listed within this report.

### **Reason for Referral to Development Management Committee**

The application is a Major Outline Application.

### **Statutory Determination Period**

13 Weeks - Extension of Time agreed until 17th November 2017 to permit proactive discussions to take place.

### **Site Details**

This vacant site originally formed part of the old South Devon College site located in Torre before it was redeveloped for housing purposes.

The site sits to the north of the Newton Road and to the south of the completed residential streets of Torre Marine, where there is an established access point to the site off McKay Avenue. The listed terrace of Edinburgh Villas and the Kwik Fit building sit to the south-east and there is a small play area currently being completed to the south-west.

This site was included in the Master Plan for Torre Marine and was to provide 61 sheltered units in a building that extended up to seven storeys with office floor-space and included 42 car parking spaces.

The site is at a key location in terms of public views and routes through the wider development site and key areas of public realm abut its boundaries.

A previous owner did make a start on construction however the development stalled due to difficulties in the market and the site has remained vacant for a number of years. As the permission for the wider development has been implemented, the permission to construct the 61 sheltered units and office floor-space remains live in perpetuity and can be built out at any time.

*Date of Officer Site Visit: W/C 3rd April 2017.*

### **Detailed Proposals**

This is an outline application for up to 75 residential apartments with all matters reserved for future consideration other than access, which is detailed within this application.

The detailed access is in the north-east corner of the site off McKay Avenue, in the location of the current access.

Indicative plans have been submitted that seek to show that the site is capable of achieving up to 75 apartments in an acceptable form of development consistent with the Local Plan and the National Planning Policy Framework. The supporting plans have been revised through the course of the application to address concerns raised by Council Officers on matters that include parking numbers, cycle and waste storage, pedestrian access and linkages, and surface water drainage.

The supporting indicative plans show a large single L-shaped building with two floors of integral parking, one being below ground level, and six floors of accommodation, with four main floors and two recessed floors at the uppermost level. The plans show a modern looking building that incorporates large elements of glazing and rhythmic sections of coloured panelling. Appearance is however reserved for future consideration and hence this is only indicative.

Moderate-sized cantilevered balconies are shown to provide private outdoor amenity space for most of the units.

Parking has been increased from 75 spaces to 92 spaces by increasing the size of the basement level and rationalising the internal layout and the external layout around the building.

Cycle storage has been moved from the basement level to the undercroft to show a more accessible location and bin storage has been introduced within the building and in close proximity to the site entrance to show a facility that is suitably located for collection purposes.

A pedestrian movement strategy has been recently submitted to demonstrate how the building could be adequately accessed, which has introduced a lobby access on to the footpath link to the west in the south-west corner of the building near to the play area and the Newton Road.

An addendum to the initial flood risk assessment and drainage strategy has been recently submitted in support of the application, and there is also supporting documentation in respect to transportation, contamination and health impact.

## **Summary Of Consultation Responses**

### *Design Consultant:*

The amendments have overcome a number of points previously raised.

Key points that require some further resolution are (i) an alternative design strategy is required for the southern end of the building which will be prominent within the locality. The ground floor lobby has improved matters but the lack of circulation above has presented an unsatisfactory strategy at this stage. (ii) The access strategy is improved but open access to the under-build could present security issues due to the lack of natural surveillance. A proposed strategy should be evolved. (iii) The landscape detail appears to need significant development as the lack of any shared outdoor amenity space for residents appears a clear omission.

It is recommended that a set of design strategy diagrams should be developed and approved prior to the submission of the Reserved Matters in order to resolve the remaining areas of concern.

### *Drainage Engineer:*

Providing the surface water drainage is constructed in accordance with the latest submitted hydraulic design and drawings there is no objection on drainage grounds to planning permission being granted.

### *Strategic Planning/Transport, incorporating the views of the Local Highway Authority:*

The revised plans now include visitor parking and this is welcomed. They now show 92 spaces for an outline application for up to 75 units where the initial plans showed 75 spaces. It is recommended that as the area suffers from a high degree of street parking pressure that visitor spaces in addition to the 1:1 ratio for the number of flats is secured to at least a ratio of 0.3 (i.e. 23 visitor spaces for 75 units). However if a robust travel plan and parking management strategy can be secured the current level of parking is possibly acceptable given the central location.

Key technical points are:

- Cycle parking now included but uncertain on storage numbers.
- There are no disabled parking spaces and policy guidance seeks 10%.
- There are no electronic changing points and policy guidance seeks 20%.
- There are a handful of spaces that may have impaired access.
- The connecting ramps within the parking areas are shown at 1:10 which doesn't accord with the Torbay Highway Design Guide that indicates a maximum gradient of 1:12.
- A modal shift of 30% should be sought via a residential travel plan
- Access to and operation of designated and/or visitor spaces and cycle

- storage should be resolved by seeking a parking management plan.
- As there is a retaining highway wall that is currently unadopted a detailed design should be secured to ensure the adoption of the highway (McKay Avenue) is not prejudiced.

*Conservation Officer:*

The composite Heritage, Planning and Design & Access Statement acknowledges that the Torre Marine developments are 2½-3-storey town houses (as at McKay Avenue) with some 4-storey apartment blocks (on the east side). All range up the hill in a spatially contoured way, equating to the established patterns of housing on the west side of Barton Road. It is viewed that the scheme does not follow the topographical contours in close harmony and is too big.

*Waste Services Team:*

The revised plans for the bin store area looks like it is approximately 96 square metres. If 1100L bins were to be used then I believe that this would provide adequate space for both refuse and recycling leaving additional space for food waste caddies. The location of the bin store on the ground floor and with access from the highway to facilitate the collection of waste and recycling, is an improvement on the initial application which resolves the access issues identified previously.

*Community Safety Team:*

No objection. Recommend that a full contaminated land condition is attached to the decision if minded to grant the application due to the possibility of contamination on the site from made ground and other sources and to ensure that that site is safe for residential use.

*Arboricultural Officer:*

No significant arboricultural features are present on site to constrain a development however a detailed landscaping plan should be achieved that bears relevance to the recent development and elements of the historic landscape retained as part of the Torre Marine development. This should be supported by a landscape management plan.

*Police Designing Out Crime Officer:*

To minimise opportunity of criminal activity an access control system should be applied to entrances to the building and underground parking. Lighting of the underground parking should be in-line with British Standards and light coloured walls should be considered to increase the effectiveness of lighting. CCTV may be considered for the parking area. 75 spaces for 75 apartments appears inadequate in terms of parking and is a concern to the police. Achieving adequate parking on-site prevents potential parking problems. It is requested that the Local Planning Authority considers the ramifications of inadequate parking within its decision making.

*Historic England:*

No comment.

### **Summary Of Representations**

Publication type: Neighbour notification letters, site notice and newspaper advertisement.

14 representations have been received (12 objections from 9 local residents and also the community partnership, 2 neutral submissions).

Issues raised:

- The proposal would exacerbate the parking problems experienced in Torre Marine.
- Loss of light and views.
- Concern that the proposal would have a greater impact locally than the scheme for retired flats in terms of cars and general activity.
- Only a handful of visitor spaces is not sufficient.
- Lack of play space for children.
- Waste collection concerns.

The predominant issue of concern raised by local residents is the impact of the development upon local on-street parking where Torre Marine already suffers from congested streets due to the limited provision of private parking within the wider development.

### **Relevant Planning History**

P/2005/0138: Redevelopment of South Devon College to provide 258 residential units, 61 Sheltered units and 1500 m2 office floorspace. Approved: 30.09.05

P/2007/0968: Amendments to the approved scheme comprising changes to balconies, fenestration and roof detail. Approved: 9.08.07

P/2010/1389: Redevelopment to form 75 assisted living extra care units with associated communal and care facilities, car parking, landscaping and servicing. Approved: 29.09.2011.

P/2012/1264: Development of site comprising 25 Retirement Living Apartments and 50 Assisted Living Extra Care Apartments with associated parking, landscaping and servicing and communal and care facilities. Approved: 20.02.2013.

### **Key Issues/Material Considerations**

#### **Principle of residential**

The site has historically benefitted from planning permission for sheltered housing

(61 units and office space) and then more recently for extra care residential use (75 units), and then a mix of retired living and extra care units (75 units). The general thread through these historic permissions is the use of the site, predominantly or in whole, as being acceptable for some form of residential use, which is a material consideration. The materiality of the planning history is relevant as there is an extant permission that includes 61 sheltered units that can be built out at any time.

The proposal now seeks unrestricted residential apartments and it is the opinion of officers that the site is well-suited to this use, being in a central location with good access to shops, services and transportation links. In addition in terms of the character and immediate context, the site is also set in an area with a largely residential character, and hence the proposed use would assimilate easily and reinforce the character of the area.

Subject to ensuring that the proposal provides adequate internal living environments, adequate parking and associated residential elements, such as waste and cycle storage, amenity space etc, in order to secure good quality living environments, the principle is considered acceptable and aligned with a number of relevant strategic and housing policies within the Torbay Local Plan and the National Planning Policy Framework (NPPF), which support a sustainable pattern of housing provision with an emphasis upon the regeneration of brownfield sites, town centre sites and urban sites such as this one.

In strategic policy terms the principle is considered consistent with Policies SS12 (Housing) and H1 (Applications for new homes) of the Torbay Local Plan and Para 49 of the NPPF where housing applications should be considered in the context of the presumption in favour of sustainable development (unless other material consideration indicate otherwise).

### **Access and highway matters**

The application seeks approval for a detailed access off McKay Avenue in the location of the current access point where a dropped kerb and initial spur road already exists in to the site. Considering the site context this appears the only realistic vehicular access point in to the site and one that has historically been considered acceptable in the various historic applications over the past 12 years.

The Highway Authority have noted concern in respect to the access via McKay Avenue being not yet adopted. The Applicant is currently in discussion with the developer of Torre Marine in respect of the maintenance of the retaining wall that supports McKay Avenue, which is understood to be the issue preventing the road from being adopted. It is anticipated that the detailed design of the eventual proposals for the site would ensure that they did not prejudice any solution that is proposed for the retaining structure.

It is the opinion of Officers that the structural security of the road could be secured

by attaching a condition requiring that, prior to the commencement of construction, a detailed design of the building and in particular the structure and maintenance of the retaining wall which abuts McKay Avenue, is submitted to and approved in writing by the Local Planning Authority. By attaching such a condition it should ensure that the development does not prejudice the adoption of the remaining section of McKay Avenue.

There are no other particular issues of concern in terms of the highway network and safe access.

The proposed access is hence considered acceptable to serve the development, in accordance with Policy TA2 of the Torbay Local Plan, subject to the Condition noted above.

### **Car Parking**

Car parking has long been a contentious issue in the area, which has been exhibited by the level of concern noted in the public representations on this point. It is hence one of the key issues to consider.

The application was submitted with the indicative layout showing a proposed parking ratio of 1:1 with no visitor spaces, which gave a provision of 75 car parking spaces for 75 apartments. The representations submitted were in response to this initial proposal.

Policy TA3 and Appendix F of the Torbay Local Plan provides the policy context regarding parking provision for development and provide estimated requirements for parking that reflect a balance between ensuring that the levels of car parking generated by development are met on site, with the need to ensure that due consideration is also given to sustainable transport methods.

Appendix F identifies an expected requirement of 1 car parking space per flat and also notes that parking for visitors should also be provided. There is no guidance on what levels of visitor parking should be provided though. The guidance notes also state that 20% of available spaces should have electric charging points.

The site is in a relatively central location with good access to facilities and sustainable transport infrastructure (bus routes, Upton Coach Park and Torre Train Station all being in close proximity to the site). This would normally provide a context where the level of parking provision could be considered more flexibly if necessary. However, notwithstanding the central and sustainable location, given that there is an evident pressure for on-street parking in the area Officers requested that the applicant reconsidered the scheme in order to explore opportunities to demonstrate that adequate visitor spaces could be provided beyond the 1:1 parking ratio initially shown. In response to the concern over the potential impact of overspill parking in an area that already suffers from a high demand for street parking the applicant has submitted revised indicative plans that



show a layout that could provide 92 spaces for 75 units, which introduces 17 visitor/overspill spaces in to the development. As the Local Plan provides no detailed information on the levels of visitor parking in residential development it is a judgement on whether this is adequate. 17 additional spaces provides a ratio of one additional space for every 4-5 apartments. In the context of a very central and sustainable site, which may encourage some occupants not to own or use a car, the level of parking now shown is considered acceptable. The Local Highway Authority have recommended that at least 22 or 23 visitor spaces should be sought or other forms of residential development be sought to deliver an improved ratio of parking. However they also commend that a ratio around the level now shown would be acceptable on balance if this was supported by a robust travel plan and parking management plan were secured in order to try and reduce car dependency and use.

On balance it is considered that the applicant has moved sufficiently on this and the scheme provides an acceptable balance in terms of parking provision to limit its impact upon the surrounding area. In accordance with the highways advice the need to secure a robust travel plan and a parking management plan, which will help resolve the management of spaces to ensure that they are used efficiently and operate effectively, is supported.

Having considered the policy context and the concerns of neighbouring occupiers it is considered acceptable to support a scheme that provides 1:1 residents parking and additional visitor parking to a ratio of no less than 0.23 (i.e. 17 spaces for 75 flats), by condition, together with the requirement to submit and agree a travel plan and a parking management plan, to ensure that other forms of transport are duly promoted and the parking spaces operate efficiently for both residents and visitors. These parameters are considered to provide development that accords with Policy TA3 and Appendix F of the Torbay Local Plan.

### **Drainage and flood risk**

The application site sits within the wider Torbay Critical Drainage Area (CDA) as designated by the Environment Agency and hence a rigorous surface water disposal strategy is required in order to ensure that this brownfield site achieves reduced rates of surface water runoff.

The Council's Drainage Engineer has reviewed the initial flood risk assessment and drainage strategy and raised concern that the proposal did not meet the design criteria engrained within the Local Plan and the Environment Agency's CDA Advice Note (May:2015).

Following the receipt of further information the proposal achieves the desired controlled discharge rate in to the Public Sewer (it has been accepted that ground conditions make soakaways unachievable).

Subject to the development proceeding in accordance with the submitted drainage

detail it is considered that the proposal is acceptable on flood risk and surface water drainage grounds, in accordance with Policies ER1 and ER2 of the Torbay Local Plan.

**Visual impact and impact upon the setting of the adjacent Tormohun Conservation Area and the adjacent Listed Buildings**

As the proposal is submitted in outline the location, footprint and the appearance will ultimately be considered at Reserved Matters stage.

However the indicative plans are representative and illustrative of the likely location, scale and form of building that is necessary to deliver the amount of development being proposed.

The illustrative plans for the proposal show a single large building with a modern appearance, with an L-shaped footprint and recessed upper floors that seek to reduce the bulk of the building at the higher levels. The elevations are a mix of render, glass and coloured panels in the illustrative plans that have been submitted, with repetitive balcony details also engrained within the design.

The proposed building ranges in height from 5 storeys (4 storeys of accommodation and a parking level) adjacent to Kwik Fit to a maximum of 7 stories towards the junction of McKay Avenue and Richardson Walk. At the northern extent it will be a similar height to the bookend buildings which terminate these streets when excluding the recessed upper floor that is set further back in to the site. The scheme is in terms of size, mass and footprint, similar to the extant consent approved under P/2005/0138, which is a material consideration.

Although the plans are indicative it is important that there is a clear contextual relationship with the wider site. The design should retain a relationship between it and the adjacent development as it is contended that for a building of the likely size to be readily absorbed into the built environment, it is important that the design does relate to the wider context in terms of architectural features, public realm, overall approach and use of materials. The detailed design stage should seek to resolve these concerns.

The quality of the relationship between this building and the public realm is also considered important. How the undercroft parking presents itself to the public realm will be important. It will also be important to adequately resolve the prominent southern tip of the building as well as the northern element, which will address McKay Avenue. The detailed design stage should seek to resolve these points.

The applicant has sought to address some of the already identified concerns by introducing a potential access point in to the building from the south with a ground floor lobby, and also illustrating how the undercroft parking could be softened. The improvement is welcomed and will help secure a solution at detailed design stage.

As matters stand the applicant has provided further illustrative plans that show an attempt to provide a positive relationship with the public realm. However the design solution is requires further thought and it is recommended that this is achieved by a condition requiring the submission and agreement of a set of design strategy diagrams prior to the submission of any Reserved Matters.

Considering the footprint and height of building is likely to be similar to that previously proposed and approved, the impact upon the setting of the adjacent Conservation Area and the setting of the adjacent Listed Buildings is considered acceptable, notwithstanding the concern raised by the Council's Conservation Officer that the proposal fails to step down adequately in-line with the falling topography. The extant permission is a material factor in determining this.

The proposal is considered to generally accord with Policies DE1 and SS10 of the Torbay Local Plan and areas of concerns will be considered through a Reserved Matters application. The proposal is considered acceptable in terms of the likely visual impact.

### **Quality of the residential environment**

The outline proposal should provide adequate comfort that a good standard of residential environment for future occupiers can be achieved.

The indicative layout plans show a generic division of apartments throughout the various floors. Each apartment generally accords with the size standards outlined within the Torbay Local Plan where Policy DE3 indicates a space standard for 1-bed flats of 50sqm and for 2-bed (3 person) flats of 61sqm.

In terms of outlook and natural lighting the layout of the building will provide all apartments with an acceptable level of outlook and lighting to key rooms as there is the potential to provide a uniform external frontage.

There is a design expectation that most apartments will benefit from a balcony, which will provide some form of external amenity space for occupants. Policy DE3 identifies that development should make provision for external amenity space where possible and as a guideline suggests that a minimum of 10sqm will be sought for apartments. It is unclear what size of balcony could be adequately achieved within a finely resolved design however the provision, within a constrained central site, together with the potential for some supportive communal space at ground floor, is likely to present a satisfactory provision of amenity space for occupants.

In terms of supportive facilities the indicative plans show how cycle and waste storage could be adequately achieved and through revised plans these facilities are shown to have responded positively to the concerns from the Councils Waste Team and Strategic Transport Officer. These facilities are now better located and adequately scaled.

Pedestrian access to the building has been evolved to include a link from the south, which responds more positively to the context and provide improved access and egress for occupants.

All matters considered the proposal is considered to provide adequate certainty that a good standard of residential accommodation can be achieved and thus the development is considered to accord with the aspirations of Policy DE3 of the Torbay Local Plan.

### **Impact upon local residential amenity**

Concerns have been expressed by residents about the impact that a building of this size will have on their amenity, principally through the loss of light and views.

Whilst the addition of a large building will present some loss of general outlook and light in terms of the properties to the north, there is an extant permission to a similar scale which can be built out at any time, which is a material consideration.

The properties to the north are shown to be round 16.5 metres away (15m to the edge of the balconies), which is similar to the established street pattern in the area where properties face each other, often with balconies. To the west the termination of Richardson Walk is in close proximity to the proposal and there would be residential amenity relationships to resolve at detailed design stage. Again the presence of the extant scheme is a material consideration in terms of the impact upon these properties. To the east and south the relationships are less sensitive and amenity impacts from loss of light, outlook and privacy do not appear demonstrable.

In the context of there being an extant scheme that presents a similar scale of building in a similar location the impact upon amenity is considered acceptable. As detailed the relationship, principally to the north-west would be duly considered at Reserved Matters stage. For the purposes of the outline application that seeks details approval for access alone this detailed matter can be resolved at Reserved Matters stage.

The proposal is considered suitable for approval having considered the aims and objectives of Policies DE1 and DE3 of the Torbay Local Plan.

### **Biodiversity**

The site is a somewhat barren brownfield site with large expanse of foundations providing the majority of the ground coverage. There is very little that is present or likely to be present in terms of flora and likely fauna and as such there will be no harmful impact upon biodiversity.

### **Human Rights and Equalities Issues -**

Human Rights Act: The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article

8 of the Act itself. 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**

Full details of the build are unknown as the proposal is in outline however the applicant has estimated that given the likely scale of the building and potential need to remove existing piled foundations the build cost could be between £5-£10 million which would generally equate to producing 60-130 construction jobs. Sourcing of these jobs is yet to be determined but it is anticipated that a significant proportion could be filled locally.

In addition based on average income data 75 new households, even based on single occupancy, could result in a combined income of £1.73 million per annum being added to the local economy.

### **S106/CIL and Affordable Housing -**

#### *Affordable Housing:*

The implemented permission for the redevelopment of the former college site delivered a range of S106 contributions including the necessary affordable housing provision.

As the affordable housing requirement for the wider Torre Marine site has been delivered, there is not considered to be a requirement for any additional affordable units on this site.

#### *S106:*

S106 contributions are not required from this development in accordance with Policies SS5, SS6, SS7, SS9, SS11 and H2 of the Local Plan and the Planning Contribution and Affordable Housing SPD.

#### *CIL:*

The application is for residential development in Zone 1 where the Community Infrastructure Levy (CIL) is £30 per square metre of additional gross internal floor

area created.

The site is absent of buildings and hence the gross internal area in lawful use immediately preceding this grant of planning permission is zero.

The CIL liability for this development is £30 per square metre. The amount will be determined at Reserved Matters stage where the application will be CIL liable.

Based on the outline floor area the CIL liability is in the region of £192,000.

## **EIA/HRA**

### *EIA:*

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

### *HRA:*

The application site is not within a strategic flyway/sustenance zone associated with the South Hams SAC and a formal HRA screening is not necessary in this instance as the proposed development is unlikely to have a significant effect on the South Hams SAC.

The proposal presents a controlled discharge that mimics greenfield runoff rates into the Public Sewer, which will minimise impacts upon outfall flows and any potential impact up the marine candidate SAC, in-line with Policy ER2.

## **Proactive Working**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has concluded that the application is acceptable for planning approval with imposed conditions to enable the grant of planning permission.

## **Conclusions**

The proposals are considered to accord with the provisions of the Torbay Local Plan 2012-2030 and all other material considerations and hence the Officer recommendation is approval.

### **Conditions to include:**

1. Prior to the submission of any Reserved Matters a set of design strategy diagrams shall be submitted to and approved in writing by the Local Planning Authority, which shall seek to illustrate access and circulation arrangements, a strategy for the treatment of the northern and south elevations, and a strategy for the provision of communal amenity space.
2. Prior to the submission of any Reserved Matters a geotechnical report,

- which demonstrates that the level of excavation necessary in order to deliver the basement level parking indicated within the outline application, shall be submitted to and approved in writing by the Local Planning Authority
3. Submission of Reserved Matters relating to appearance, landscape, layout and scale.
  4. The submitted reserved matters shall be based on the approved Master Plan and associated Design and Access Statement and Access and Security Diagram.
  5. Construction Method Statement: development shall not take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority.
  6. Prior to the commencement of construction a detailed design of the building and in particular the structure and maintenance of the retaining wall which abuts McKay Avenue is submitted and approved by the Local Planning Authority so that it does not prejudice the adoption of the remaining section of McKay Avenue.
  7. The development shall proceed in accordance with the submitted surface water drainage strategy and detail to secure an appropriate controlled discharge to the Public Sewer in a designated Critical Drainage Area.
  8. The reserved matters shall include the provision of 1:1 parking for the occupants of the building plus an additional provision of visitor spaces to a ratio no less 0.23 spaces per flat. For the avoidance of doubt a Reserved Matters proposal shall provide no less than 92 car parking spaces. All spaces shall accord with the size and manoeuvring requirements as outlined within Appendix F of the Torbay Local Plan 2012-2030 and 10% of the spaces shall be designed to the disabled parking specification and 20% of the spaces shall be provided with electrical charging points.
  9. Prior to the first occupation a Parking and Management Plan that ensures that the proposed parking provision and layout operates effectively for both occupiers and visitors and adequately resolved the provision and access to disabled spaces, electronic charging points, and cycle parking for occupiers.
  10. Prior to the first occupation of the building a Travel Plan, that seeks to secure a modal shift of 30% of potential users to sustainable modes of travel, shall be submitted to and approved in writing by the Local Planning Authority.

11. The Reserved Matters shall include the detailed provision of covered, safe and secure cycle parking to a ratio no less than 1:1, and shall include a detailed design of any proposed storage mechanism (such as racks or hoops). The proposal shall also provide for adequate additional secure visitor cycle facilities.
12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.
13. The Reserved Matters shall include the provision of waste storage for 1100L waste and recycling bins and food caddy units, in-line with Policy W1 of the Torbay Local Plan and aligned, in terms of scale and location, with the provision outlined within the submitted plans.
14. Prior to the commencement of development a full contaminated land survey shall be submitted to and approved in writing by the Local Planning Authority.

### **Informative(s)**

01. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

### **Relevant Policies**

SS1 - Growth Strategy for a prosperous Torbay

SS3 - Presumption in favour of sustainable dev

SS10 - Conservation and Historic Environment

SS11 - Sustainable Communities Strategy

SS12 - Housing

TA2 - Development access

TA3 - Parking requirements

NC1LFS - Biodiversity and Geodiversity

HE1 - Listed Buildings

H1LFS - Applications for new homes

DE1 - Design



DE3 - Development Amenity  
DE4 - Building heights  
ER1 - Flood Risk  
ER2 - Water Management  
ER3 - Contamination  
W1LFS - Waste hierarchy  
W2LFS - Waste audit