

**Application Number**

P/2018/0881

**Site Address**South Devon Police Station  
Southfield Road  
Paignton  
TQ3 2SP**Case Officer**

Mr Scott Jones

**Ward**

Clifton With Maidenway

**Executive Summary**

This reserved matters application is for detailed consent for the layout, scale, appearance and landscaping for 36 apartments on the former site of Paignton Police Station, off Southfield Road. This follows the granting of outline permission for 46 apartments on the site under planning reference P/2017/1117, with detailed access approved.

The outline application was accompanied by conceptual design and landscape plans that established that the amount of development could be achieved on the site within a large singular L-shaped building, with accompanying parking adjacent and underground. This reserved matters application is consistent with the approach suggested at outline stage, except that the number of apartments is reduced and the building is one-storey lower than previously envisaged. In addition there is a reduction in the scale of under-croft parking, which results in more of the site being utilised for parking around the building than previously presented.

This application has been the subject of detailed negotiation between officers and the applicant to improve the layout and design of the scheme. The scheme has been improved and now provides what is considered to be a satisfactory scheme that respects the expectations that were presented to Members at outline stage.

The scheme is CIL Liable and will secure a CIL payment in excess of £265,000.

There remains a small number of minor outstanding matters in terms of the detailed layout and design, and officers have requested further consideration in terms of the cycle provision and the drainage design. Officers are confident that the 'overall' scheme can be progressed to a satisfactory standard in order to secure a building that would sit comfortably within the built environment and would provide an acceptable residential environment for future users and neighbouring occupiers.

## **Recommendation**

The reserved matters are recommended for approval, subject to the receipt of satisfactory detail that responds to the issues summarised above, to include:

- (i) Receipt of satisfactory surface water drainage details that prevent an increased risk of flooding of adjacent land or buildings;
- (ii) Receipt of revised plans that improve the current provision of cycle parking; and
- (iii) Conditions (in support of those imposed at outline stage), with the final drafting to be delegated to the Assistant Director of Planning and Transport.

Members will be updated on the status of these issues, however, if they remain unresolved on the date of the Committee meeting it is recommended that the satisfactory resolution of these matters be delegated to the Assistant Director of Planning and Transport.

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

The proposal is for Major development.

## **Statutory Determination Period**

13 weeks, ending 24th January 2019.

## **Site Details**

The application site is the former Paignton Police Station site located at the junction between Southfield Road and Blatchcombe Road in Paignton, a site that has recently had outline planning permission granted for 46 apartments.

The site has lain empty for a number of years following the cessation of the police use and the subsequent removal of the large L-shaped 3-4 storey former police station building. It now sits as a largely cleared site with an empty core, which is largely screened from public view by the retained hedge and tree-lined borders.

In terms of the site context, residential properties sit on higher land off Southfield Rise to the north; a residential property sits adjacent to the site to the west of off Blatchcombe Road; and highways border the site to the south and east.

Access to the site is presently off Southfield Road to the east and the outline consent approved a detailed access in this location to serve the proposed

residential development.

There are a number of listed buildings in the vicinity and 5 trees are protected by a Tree Preservation Order (TPO Reference 2012:021).

The site sits in a Critical Drainage Area and there is an identified linear flood risk area that follows Blatchcombe Road which spreads east towards lower land and the coast.

The site is identified as a committed and deliverable site for residential purposes in the Torbay Local Plan and Paragraph 6.146 of the referendum version of the Paignton Neighbourhood Plan states that "the former Paignton Police Station provides an opportunity for housing or employment redevelopment".

### **Detailed Proposals**

This is a reserved matters application that is seeking approval for the layout, scale, appearance and landscaping for 36 apartments following the grant of outline consent for 46 apartments approved in outline under application referenced P/2017/1117. Vehicular access was approved in detail at outline stage and does not form part of this reserved matters consideration.

The submitted plans show 36 apartments set within a single building with 4 floors of residential accommodation together with a limited area of under-croft. Through revised plans received during the application process the under-croft has been increased in size to provide 11 car parking spaces and cycle storage, with waste storage relocated to a newly proposed curtilage building.

There is a mixture of 1 and 2 bed apartments, with eight 1-bed apartments and twenty-eight 2-bed apartments.

There is parking for 41 vehicles, with 30 spaces within a parking forecourt and 11, as detailed above, relocated under the building at lower ground floor level. The parking has been demarked as providing one space per apartment (36) with 5 visitor spaces, giving a total of 41 car parking spaces. There are 4 disabled spaces and 10 identified for electric charging. The western extent of the forecourt parking (final 12 spaces) transitions to a grasscrete finish with planted pergolas framing the parking spaces. A timber waste storage building is proposed adjacent to the parking area.

The reserved matters are generally aligned with the indicative drawings submitted at outline stage. The main divergence is that the scheme is for 10 fewer apartments to the number approved at outline stage and, principally as a result of this reduction, the proposal is also one storey less in height than indicatively shown at outline stage. In addition, the proposal provides less under-croft parking than shown at outline stage, which results in a larger proportion of

the site area being proposed for parking. Members should note that the initial submission excluded under-croft parking but officers have negotiated its reintroduction to reduce the pressure upon space around the building to improve the setting and amenity for occupants. Other than the elements stated above, the broad parameters of the scheme corresponds with the outline detail, including a large L-shaped building with a modern appearance that is set towards the back (north) of the plot, with a mixture of materials and numerous balconies.

The footprint closely follows the indicative footprint that was presented at outline stage, which itself closely followed the previous footprint of the police building. The length (east-west) of the building is 61 metres and the length of the "L" return (north-south) is 31 metres. The prevailing depth of the building from the front to the rear is approximately 12 metres throughout the L-shape.

The height of the building is approximately 12 metres, which is 3 metres less than indicatively shown at outline stage. The building steps down in height to the east near to the vehicular entrance, similar to the indicative treatment submitted at outline stage.

Cantilevered balconies and terraces provide private outdoor amenity space for most units, and there is a degree of communal amenity space to the west and also now to the south of the building following the submission of revised plans.

### **Policy Context**

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

#### Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")

#### Material Considerations

- Referendum version of the Paignton Neighbourhood Plan\*
- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published Standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

\*The Paignton Neighbourhood Plan has recently completed its Independent

Examination. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post examination neighbourhood plan.

### **Summary of Consultation Responses**

#### *Strategic Transport / Highways:*

No objection as the reserved matters provide a similar ratio of parking to that accepted at outline stage and accords with the ratio of occupier and visitor parking that was subject to a condition of the grant of consent. It is noted that the detailed access was agreed at outline stage and therefore there are no highway safety comments necessary.

Safe and secure cycle parking on a 1:1 basis with some visitor capacity should be provided and the current provision appears deficient and should be improved to meet the Local Plan guidance level on the number of spaces, as outlined within Appendix F of the Local Plan.

#### *Engineers:*

The recent application identifies a greater impermeable area than was included within the surface water drainage design that was approved at outline stage due to the increase in car parking area.

As a result the developer should revise the surface water drainage design for this development based on the latest proposed impermeable areas.

The developer will need to demonstrate that the surface water drainage for this development has been designed in order that there is no risk of flooding to property on the site or any increased risk of flooding to property or land adjacent to the site for the critical 1 in 100 year storm event plus 40% for climate change. Therefore the developer must supply hydraulic calculations for the entire surface water sewer system to demonstrate that there is no risk of flooding for the critical 1 in 100 year storm event plus 40% for climate change.

Based on the above comments, before planning permission can be granted the applicant will need to supply details and designs for the entire surface water drainage system for this development in order to address the points raised

#### *South West Water:*

No objection.

#### *Environment Agency:*

No objection.

#### *Natural Environment Services:*

The revised landscape detail now contains sufficient information in terms of

planting and aftercare. The removal of the protected Norway Maple in the south-east corner of the site is accepted due to the broader landscape qualities of the site and agreement with the tree report in terms of this specimen's poor spatial arrangement with the adjacent building and the larger Lime to the south. The proposal is suitable for approval on arboricultural merit.

*Historic Environment Officer:*

There are a number of anomalies within the submitted plans. These aside, the general views show that some thought has gone into the disposition of the L-shaped block, in particular the east end of that block which has highly defined horizontal and vertical elements across all four floors, providing a pleasing variety to the building. The long west-east block is less engaging and the smaller L-shaped block appears the most modular element without the developed interest of the east end block and the east-facing projection. The major failure of the scheme across all categories: appearance, landscape, layout and scale is the positioning of the car parking, All 3D views show an area of unrelieved red paving, the outlook should be onto the soft landscaped areas.

*Police Designing Out Crime Officer:*

No particular concerns raised in terms of layout and design. Support the proposed removal of the under-croft parking and the level of proposed security that is proposed in the design and access statement. Retain concern on the level of parking proposed. Previous comments on the outline application remain relevant.

### **Summary of Representations**

Publication type: Neighbour notification letters/Site notice/Newspaper advertisement.

2 representations have been received objecting to the proposals, principally reiterating concerns raised at outline stage regarding;

- o Out of character
- o Highway and parking impacts
- o Loss of privacy

### **Relevant Planning History**

P/2017/1117 - Outline application for 46no. new apartments with below ground parking with all matters reserved except for access (as revised by plans received 13.01.2018). Approved 26.09.2018. This permission was subject to a legal agreement.

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

The key issues to consider are:

1. The Principle of Development,

2. Design and Visual Impact,
3. Residential Amenity,
4. Movement and Parking,
5. Landscaping,
6. Ecology
7. Flood Risk
8. Heritage Impact
9. Other Considerations

## **1. The Principle of Development**

Outline consent was recently granted for 46 apartments on this site by the outline application approved by Members at the March 2018 Committee, an approval that was subject to a legal agreement and various conditions to secure an acceptable form of development (planning reference: P/2017/1117). The principle of residential use, delivered within a single large apartment building, was established by this outline application. This reserved matters application principally accords with the number of units granted outline consent and condition 17 of the permission, that the reserved matters shall propose no more than 46 residential units.

Subject to ensuring that the proposal provides adequate internal living environments, adequate parking and associated residential elements, such as waste and cycle storage, and amenity space, etc. in order to secure good quality living environments and retain adequate amenity levels for adjacent occupiers, the principle is considered acceptable.

In strategic policy terms the principle remains consistent with Policies SS11 (Sustainable Communities) which supports proposals that regenerate or lead to the improvement of social, economic or environmental conditions, SS12 (Housing) which supports the delivery of 8900 new homes in the plan period, SS13 (five year housing land supply), SDP1 which supports rejuvenation of Paignton, and H1 (Applications for new homes) of the Torbay Local Plan 2012-2030.

In terms of national policy guidance it is aligned with 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.

The principle is also considered consistent with Policy PNP26 of the referendum version of the Paignton Neighbourhood Plan..

## **2. Design and Visual Impact**

The proposal is for a single modern-styled L-shaped apartment building 61

metres long with a return that is 31 metres long. The prevailing depth of the building is approximately 12 metres from front to back.

In terms of scale and location the proposed building replicates the pre-existing massing of the police station building, which was a strategy that was supported through the earlier pre-application stage and the subsequent outline application. As the outline proposals responded to the ambition of delivering 46 units over 5 floors of accommodation the proposed building is lower than expected, at a height of approximately 12 metres rather than the 15 metres previously indicated at outline stage. The reduced height significantly reduces the bulk and massing of the building from what was envisaged, which will in turn reduce its prominence within the locality. The proposal steps down in height towards its eastern end as it approaches the entrance to the site, which helps reduce the building's massing as viewed from the proposed vehicular entrance. The height and massing is considered acceptable in the context of what previously sat on the site and what was indicated at outline stage to deliver the accommodation consented.

In terms of materials the building uses a number of treatments, which helps break down the massing and adds some interest to the building. There is a base elevation finish of white render, which is complemented by copper panels (or green coloured render) and treated western red cedar timber cladding (or terracotta render). Doors and windows are to be grey powder coated aluminium and the roof is to be grey single ply standing seam membrane. Balustrades have been improved since submission and are now frameless glass with slim aluminium handrails. 3D images have been submitted to aid visualisation.

In terms of the space around the building the detached bin store is proposed to be finished in untreated western red cedar. This is supported as it will help the building to blend in within its setting and relate more strongly to the adjacent landscape area and verdant border adjacent.

The parking forecourt has been reduced in size following concerns raised by officers over its dominance and harmful visual impact on the setting of the building. This has allowed more communal landscaped space to be reintroduced near to the main entrances, which has improved the proposal's setting and level of amenity. In addition, a section of the remaining parking courtyard has been finessed to soften its appearance and improve the quality of the central space at the heart of the site. Cedar framed planted pergolas over a grasscrete parking surface helps diminish the prominence of the proposed parking adjacent to the central core. The revised layout is now supported by officers and is more aligned with the concepts illustrated at outline stage.

Footpaths are proposed to be finished in granite block paving, and the remaining parking adjacent to the grasscrete area is a mix of granite block paving with bitmac to main entrance slope. Retaining walls are natural stone faced gabions. In combination these various curtilage finishes are considered appropriate and



will support the delivery of a suitably designed scheme.

The proposals are considered to be consistent with Policy DE1 of the Torbay Local Plan and advice contained within the NPPF in terms of securing good design.

### **3. Residential Amenity**

#### Future Occupiers

There are 36 apartments, comprising eight 1-bed units and twenty-eight 2-bed units within the scheme. This mix of one and two bed apartments is considered satisfactory in the context of providing a mixed and balanced residential scheme, as the apartments would appear to provide opportunities for individual occupiers, young couples and small families, both young and old.

The size of apartments accord with the internal size standards outlined in support of Policy DE3 (Development amenity) of the Torbay Local Plan. In addition, key habitable rooms have sufficient outlooks to aid a good standard of living and provide natural lighting. Generally, the outlook of apartments within the scheme do not conflict, however where there is some degree of potential inter-visibility screening is proposed to adequately resolve this issue and ensure that an acceptable standard of privacy will be provided.

In terms of outdoor amenity space most units will benefit from either a terrace, a roof terrace, or a balcony, and communally there is useable lawn space to the south and west of the building. Policy DE3 of the Local Plan recommends that 10sqm of amenity space is provided per apartment and the provision is considered acceptable when considering the policy aspiration that seeks development to secure a good standard of living for future occupants.

Subject to securing necessary screening and its retention by planning condition the proposed residential environment is considered acceptable for all future users, and would accord with Policy DE3 in the Torbay Local Plan.

#### Adjacent Occupiers

The outline consent required, pursuant to Condition 2, the reserved matters to include design measures and landscape measures to prevent undue impact upon the amenities of neighbouring occupiers through overlooking and loss of privacy to the north and west.

The building is one storey lower than previously illustrated and the level of inter-visibility to the north is greatly diminished because of this, principally as the uppermost floor will be largely below the ground floors of adjacent properties where they are in closer proximity to the west. To the east the relationship is

more level, however, the distances between properties stretches and is beyond the 20 metre window-to-window distance that is generally considered as acceptable. Across the length of this border additional screening is proposed by a number of small-medium trees which will reduce inter-visibility. Considering the spatial relationship and proposed planting, the amenity of occupiers is considered to be protected in accordance with Policy DE3 of the Torbay Local Plan.

To the west, the submitted reserved matters respect the premise illustrated at outline stage that the building would principally be set in-line with the building line of the old police building. This ensures the building does not sit too close and present an overbearing structure in terms of the bungalow plot adjacent. In terms of design measures the reserved matters has also duly evolved the western elevation from the generic form shown at outline stage to a more bespoke design solution in order to limit overlooking and protect privacy. High landscape windows and oblique directional windows now limit the number of opening and this fenestration and limited inset balconies, together with the border planting and separation distances, is considered to provide an acceptable relationship that protects the adjacent occupiers amenity, in-line with Policy DE3 of the Torbay Local Plan.

#### **4. Movement and Parking**

##### Movement

The vehicular access was approved in detail at outline stage and hence the development, in respect of how it connects to the wider highway network, is not a subject for consideration for this reserved matters application.

In terms of vehicular movement within the site the layout provides adequate manoeuvring space for vehicles to access parking areas and manoeuvre into and out of individual spaces.

In terms of pedestrian movement there are clearly defined walkways from the parking areas to the main entrances. There is also a secondary pedestrian access to the site from the south in support of the main entrance to the east, which provides a good level of connectivity in terms of general pedestrian movements into and out of the site.

Movement within the building is by way of stairs and lifts, which will provide good access to all apartments and present a good access arrangement for less abled persons.

The proposals are considered to present an acceptable layout in terms of movement, in accordance with Policy DE1 of the Torbay Local Plan.

##### Car and Cycle Parking

Condition 3 of the outline consent required the reserved matters to include the provision of parking at a ratio of one per residential unit, plus additional provision of visitor spaces at a ratio of no less than 0.13 spaces per flat. This equated to 52 car parking spaces for 46 units. It also reiterated the policy expectation for 10% of the spaces to be designed to the disabled parking and 20% of the spaces to be provided with electrical charging points.

The reserved matters proposes 41 spaces for 36 units, this aligns with the requirements outlined in Condition 3 in terms of there being 1:1 parking and additional visitor parking at a ratio of 0.13 per flat.

The proposal also includes 4 disabled spaces and 10 electric charging points, which accord with the 10% and 20% policy expectation cited in the condition. The level and form of parking is therefore considered acceptable.

Condition 4 of the outline consent required the reserved matters to include the detailed provision of covered, safe and secure cycle parking to a ratio of no less than one per residential unit, and to include a detailed design of any proposed storage mechanism (such as racks or hoops). It also required the reserved matters to provide for adequate additional secure visitor cycle facilities. The submitted plans detail cycle parking within the under-croft, however the space does not appear sufficient in order to secure parking for 36 cycles. Discussions are ongoing in order to ensure 36 cycle parking spaces can be delivered within the scheme and members will be updated. Visitor spacing has now been identified within a prominent and overlooked area which is considered acceptable.

Subject to some minor clarification and improvements the cycle parking provision and arrangement, the facilities are considered policy compliant and suitable for approval in-line with Policy TA3 of the Torbay Local Plan.

## **5. Landscaping**

The proposals accord with the landscape strategy shown at outline stage, with the retention and strengthening of the verdant borders in order to help screen and soften the building within the wider townscape, which is supported. The proposal retains 4 of the 5 trees protected under a Tree Preservation Order.

Following the receipt of revised plans the Council's Natural Environment officer is supportive of the scheme in terms of the proposed landscape detail, and the supporting planting and maintenance detail. The removal of the Norway Maple, which is protected by a TPO, is accepted due to the positive planting proposals and also due to agreement with the submitted Tree Report in terms of the specimen having a somewhat undesirable relationship with the nearby bungalow and its close proximity to the larger Lime tree, which is also protected under a TPO.

The landscape proposals are considered acceptable where they retain important trees and propose planting enhancements around the perimeter of the site, and afford due softening of the communal grounds within the site. The landscape proposals are considered compliant with Policies DE1 and C4 of the Torbay Local Plan.

## **6. Ecology:**

The ecological context was duly considered when consent was granted in outline for 46 apartments and the outline consent was subject to an Construction and Ecological Management Plan condition to ensure due protection is afforded ecological features and protected species during the construction phase. In addition the consent was also subject to a Landscape and Ecological Management Plan condition to ensure that the operational phase also duly considers the ecological features over time.

No further ecological consideration is considered necessary as part of this reserved matters application, as the previous outlines conditions ensure the development accords with Policy NC1 of the Torbay Local Plan.

## **7. Flood Risk**

Flood risk was duly considered in detail at outline stage and the outline consent was subject to a compliance condition with the surface water management system that was proposed and agreed. This previous level of detail was necessary as the site sits within a Critical Drainage Area as designated by the Environment Agency.

Notwithstanding the previous design detail the reserved matters propose a slightly larger area of parking than previously envisaged and therefore the application is supported by a revised and updated flood risk assessment and surface water drainage design strategy.

The Councils Drainage Engineer has reviewed the flood risk assessment and drainage strategy and there is concern that the detailed design elements have not been duly redesigned to account for the additional area of parking, albeit that this has reduced in size through the course of the application.

The Environment Agency have not offered comment on the proposal.

Members will be updated on this matter.

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

## **8. Heritage Impacts**

A number of listed buildings sit in close proximity to the site and consideration on the impact of the setting of these buildings is necessary, in accordance with the statutory duty as required under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving the buildings or their settings or any features of special architectural or historic interest which they possess. Policy HE1 (Listed buildings) of the Torbay Local Plan iterates this statutory requirement as a development plan consideration.

The Council's Heritage Officer has considered the proposals and has raised no objection in terms of any expected harm to the setting of the various listed buildings adjacent.

In light of the specialist local conservation advice the proposal is considered acceptable on heritage grounds, in accordance with the aims and objectives of Policy HE1 of the Torbay Local Plan.

## **9. Other Considerations**

The Paignton Neighbourhood Plan has recently completed its Independent Examination. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application. The relevant policies for this application are Policy PNP1 (Area wide) and Policy PNP26 (Clifton with Maidenway). PNP1 provides policy guidance on design principles (PNP1(c) and residential development (PNP1(d)) and in-light of the conclusions outlined on Key Issues / Material Considerations 1-8 above the proposals are considered broadly compliant with this policy. PNP26 states that developments will be supported where they a) retain and improve existing community facilities; b) enable the provision of a community centre to be achieved; c) protect and enhance existing landscape features; d) make use of opportunities to improve the range and quality of housing provision. The proposal is considered to comply with this policy where there is relevance to protecting landscape features and improving the range and quality of housing provision, on a site that is identified (Para 6.146). The proposal is therefore considered to accord with the Paignton Neighbourhood Plan.

## **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.

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

A S106 agreement for this site was agreed under application reference P/2017/0117/MOA. No further legal agreement is required.

Affordable Housing:

Affordable housing provision/contribution required from this development in accordance with Policy H2 of the Torbay Local Plan 2012-2030 was assessed at outline stage. The outline application was subject to a viability assessment and the outline permission is subject to a legal agreement that will secure affordable housing provision/payment where it is found to be viable.

S106:

S106 contributions were considered at outline stage and are not required from this development in accordance with Policy SS5/SS6/SS7/SS9/SS11/H2/Planning Contribution and Affordable Housing SPD.

CIL:

The application is for residential development in Zone 2 where the Community Infrastructure Levy (CIL) is £70 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 application is supported by a CIL liability form that states that the proposal has 3797sqm of liable floor space.

The floor space equates to a CIL liability of £265,790.

### **EIA/HRA**

### **EIA**

Initially assessed at outline stage, 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**

Initially assessed at outline stage, 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 the guidance contained in the NPPF the Council has worked in a positive and pro-active way and has secured improvements to the scheme through revised plans, and concludes 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.

The proposed development largely accords with the outline consent with matters of drainage and cycle parking requiring some updating and finessing rather than substantial change. It is expected that this information will be received prior to the Committee meeting.

Subject to satisfactory resolution of outstanding matters the reserved matters detail is considered suitable for planning approval, as it would be aligned with the outline detail previously considered by the Authority, and accord with relevant Local Plan policy guidance, notably Policies H1 (Applications for new homes), DE1 (Design), DE3 (Amenity), TA3 (Parking requirements), C4 (Trees, hedgerows and natural landscape features), SS11 (Sustainable communities) and SS3 (Presumption in favour of sustainable development).

Limited conditions are necessary where they relate directly to the reserved matters. The drafting of any necessary conditions required to support those imposed at outline stage is requested to be delegated to the Assistant Director of Planning and Transport.

### **Condition(s)/Reason(s)**

01. Prior to the development above damp proof course level, a full external material schedule to include details of colour, form and texture and where requested by the Local Planning Authority, samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure an acceptable form of development in the interests of the character and appearance of the area in accordance with policy DE1 of the Torbay Local Plan 2012-2030.

02. Prior to the commencement of the development above damp proof course, full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details of hard landscape works shall include all means of enclosure, retaining structures, boundary and surface treatments, including finished levels. The hard landscape works shall be completed in accordance with the approved details prior to the occupation of the development.

Reason: To ensure a suitable access and parking provision is available to serve the development and in the interests of visual amenity in accordance with policies TA1, TA2, TA3 and DE1 of the Torbay Local Plan 2012-2030.

03. Prior to the commencement of development, the Tree Protection Measures, as outlined within the plan referenced 04858 TPP Rev B, shall be implemented in full and maintained at all times thereafter throughout the construction phase of the development.

Reason: To secure adequate protection for retained ecological features, in the interests of visual amenity in accordance with policies NC1, DE1 and C4 of the Torbay Local Plan 2012-2030. These measures are required pre-commencement to ensure against potential harm from construction activities.

04. The approved landscaping, as detailed within the plans referenced 542-01C and 542-02, shall be implemented in full prior to the first occupation of the development, or within the first available planting season following the substantive conclusion of construction activities, whichever is sooner. All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously



damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species.

Reason: To secure suitable landscaping to support the residential development hereby approved, in the interests of amenity in accordance with policies DE1, DE3 and C4 of the Torbay Local Plan 2012-2030.

05. Prior to the first occupation of the building, a schedule of all privacy screens shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include a plan identifying the location of all privacy screens and details on the form and level of obscenity. The development shall proceed in full accordance with the approved detail prior to the first occupation of the building and all screening shall be maintained in full at all times thereafter.

Reason: To secure suitable living environments for future occupiers, in accordance with Policy DE3 of the Torbay Local Plan.

### **Relevant Policies**

SS1 - Growth Strategy for a prosperous Torbay  
SS3 - Presumption in favour of sustainable dev  
SS8 - Natural Environment  
SS11 - Sustainable Communities Strategy  
SS12 - Housing  
SS13 - Five Year Housing Land Supply  
H1LFS - Applications for new homes\_  
DE1 - Design  
DE3 - Development Amenity  
HE1 - Listed Buildings  
C4 - Trees, hedgerows and natural landscape  
NC1LFS - Biodiversity and Geodiversity\_  
TA3 - Parking requirements  
ER1 - Flood Risk  
ER2 - Water Management