

**Application Number**

P/2018/1009

**Site Address**Land to the rear of 190 Northfields Lane  
Brixham  
TQ5 8RD**Case Officer**

Ben Gilpin

**Ward**

Preston

**Executive Summary/Key Outcomes**

This planning application seeks permission for the construction of two detached dwellings, each with integral double garages and garden areas. The scheme proposes a formal landscaping scheme, as well as the re-instatement of the wall at the perimeter of the site. Each property would have an impermeable built footprint of 143 square metres (286 square metres in total). The site design incorporates an on-site soakaway.

**Recommendation**

Approval subject to the conditions listed below, with the final drafting of conditions and resolution of any outstanding matters to be delegated to the Assistant Director for Planning and Transport.

**Reason for Referral to Development Management Committee**

Following a Site Review Meeting (SRM), it was concluded that the application should be referred to the Development Management Committee for determination.

**Statutory Determination Period**

29.11.2018

**Site Details**

The site comprises part of the garden area of 190 Northfields Lane, which is a detached dwelling elevated above the site. The site is overgrown, with some works having been undertaken, including site clearance and partial wall removal / erection of Heras fencing around the site.

The site has Fishcombe Road and a wooded area to the north and east, with residential properties to the south and terraced holiday lets to the west.

The site is large (0.112 hectares), and slopes from SE to NW. The site is accessed to the north from Fishcombe Road.

The site is within the settlement boundary of Brixham but is also in the South Devon Area of Outstanding Natural Beauty (AONB). The site has no other statutory designations.

### **Detailed Proposals**

The application seeks planning permission for the construction of two detached properties, each with integral double garages. The dwellings would be single-storey at the higher part of the site, and two storeys in height at the lower part of the site. The scheme proposes a formal landscaping scheme, as well as the reinstatement of the wall at the perimeter of the site. Each property would be served by a driveway and a garage.

The 2 properties would appear identical. Their maximum dimensions are to be 14 metres wide x 12.5 metres deep x 6 metres high (flat roof finish). The rear of the properties would be 3.5 metres high (the properties being built into the slope).

The properties would be finished in natural stone / timber and render on the northern (road facing) elevation), with render / timber on the remaining 3 elevations. Each property would have an impermeable built footprint of 143 square metres (286 square metres in total). The site design incorporates an on-site soakaway.

### **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

- Emerging Brixham Peninsula 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:

## **Summary of Consultation Responses**

### **Torbay Drainage:**

No objection

“Further to your letter dated 19th November 2018 regarding the above planning application I would like to make the following comments:

1. The development lies within Flood Zone 1 and the developer is proposing to discharge his surface water drainage to a soakaway.
2. The developer has undertaken infiltration testing in accordance with BRE365 and a design for the soakaway has been submitted which identifies 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, and providing the surface water drainage is constructed in accordance with the submitted design I have no objections on drainage grounds to planning permission being granted.”

### **South Devon AONB Unit:**

No objection subject to planning conditions

“The application in its present form has the potential to compromise the adjacent Scheduled Ancient Monument (World War II Emergency Coastal Battery and remains of a Victorian practice battery at Battery Gardens).

The South Devon AONB Unit has a no objection to this application but request that conditions are placed on the development to limit light spill and that a CEMP (Construction Environmental Management Plan) is supplied prior to any on-site commencement.”

### **Torbay Highways:**

No objections

“I have had a look on site and agree traffic on the approach to the site accesses, from around the bends is slow moving and the visibility splays are adequate, therefore we will not require speed survey readings.”

### **Torbay Arboriculture:**

No objection subject to planning conditions

## “Appraisal

1. My comments are based upon a site visit and review of the following supporting documents/plans referenced:
  - Landscape Plan (Eden, Nov 18)
  - Existing and proposed plans
  - Design and Access Statement
2. A review of the proposals shows the intended construction of two new houses with integral garages plus driveways.
3. The site has largely been cleared of vegetation with no trees now present that should constrain any development proposals. Branches from pine trees in nearby Battery Gardens overhang into the north side of the site.
4. The proposals shows the siting of the houses away from the overhanging pine trees. There should therefore be no conflict between the buildings and the trees. Also the shade patterns of these trees would be away from the new houses through the main part of the day (assessed according to BS5837:2012 Trees in relation to Design, Demolition and Construction). Branches would overhang onto the edge of the new driveways and consideration of these branches would have to be made for access routes for construction traffic. It would be appropriate to require a method statement to address the management of these branches, should consent be given, some pruning works maybe necessary (to cut back lateral branches).
5. The Landscape plan provides information and locations of proposed shrub, hedge and tree planting across the site. It would be appropriate to require more detailed information should consent be given, including reference to BS8545:2014, planting pit details, replacement of failed planting and a management plan.

Recommendation: No objection subject to conditions  
Conditions:

### Construction Specification / Method Statement

Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed Construction Specification / Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall provide details of the consideration of neighbouring mature trees with regard to tree protection, construction exclusion zones and proposed pruning works. No development or other operations shall take place except in complete accordance with the

approved Construction Specification / Method Statement.

Reason: To ensure the protection of the trees in the interests of the amenity of the area.

### Landscaping

Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a) a scaled plan showing vegetation to be retained and trees and plants to be planted;
- b) proposed hardstanding and boundary treatment;
- c) a schedule detailing sizes and numbers of all proposed trees/plants;
- d) Sufficient specification to ensure successful establishment and survival of new planting according to BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policy C1 of the Local Plan.”

### Torbay Conservation:

#### Comments

“Thanks for the new landscape plan. This is obviously a better scheme than the four-house plot, but looking at my comments to Gary of two years ago, I remain of the opinion that the green plot was a good transition landscape from the town

to the holiday area, certainly the new apartments in front of The Cove now encroach upon the Scheduled monument rather more than the older buildings. The difference between the Aerial Photos of 2010 and those of 2015, when the site was cleared of all trees shows how important the 'green gateway' was. As I said before:

"The clearance of the site alone shows how vulnerable the setting of the monument is, the west side of Fishcombe Road and south side of the lane leading down to the Battery Museum framed and reflected the green landscape of the scheduled monument – it now looks horribly exposed. The walls ought to be restored to their original height and the area re-planted and landscaped." You may feel that the only way to achieve a restoration of the walls and ensure a partial re-planting as shown of the Eden Design landscape is a permission."

### Brixham TC:

#### Objection

"Recommend Refusal on the following grounds:

#### 1 .B PNP The Natural Environment Policy E1.5

Unsympathetic development that will harm the wider landscape or introduce or increase light pollution will not be supported.

E1.3 Development within or impacting on the AONB must demonstrate that great weight has been given to conserving landscape and scenic beauty. As a minimum, development will comply with all policies, objectives and guidance from the South Devon AONB and National Trust.

#### 2. B PNP BH5.3 and B5.4 Good design

BH5.3 A Central part of achieving good design is responding to and integrating with local character and landscape context as well as the built environment.

BH5.4 Development that fails to take the opportunities afforded by good design so as to respect or enhance the local character and quality of the area as to set out in the Design Statements, the Landscape Character Assessment or the Brixham Urban Fringe Landscape Assessments, or the way the area functions, or does not comply with the general and area specific design guidelines in the Design Statements, shall not be permitted.

#### 3. Policy DE1 Design. Torbay Local Plan

The design is not in keeping with the surrounding area of the AONB. Giving its siting, scale, and design it is considered that the proposed development would result in unacceptable harm to the Character of the AONB. In addition, with the site being clearly visible from publicly accessible areas the proposal will have a

detrimental impact on the wider aesthetic of the area.

Protecting important local and longer distance views and having regard to the location and prominence of the site.

The design is detrimental to the character of the AONB and visual amenity of the area and its historic setting.

The development will result in a discordant and visually jarring development that is harmful to the visual amenity of the surrounding area.”

### **Summary Of Representations**

4 x Letters of Objection received, citing:

1. Highways
2. AONB
3. Conservation Area
4. Impact on character of the area
5. Ecology
6. Over development
7. Sets Precedent
8. Impact on Drainage
9. Noise

### **Relevant Planning History**

P/2016/1095 – Formation of 4 Dwellings. REFUSED 07.12.2016

P/2005/0015 – Erection of 2 Detached Dwellings with vehicular/pedestrian access (Renewal of Application P/2000/0108/RM). APPROVED 01.03.2005

P/2000/0108 - Erection of 2 Detached Dwellings (Renewal of Application 97.1556.RM)

P/1997/1556 – Erection of 2 Detached Dwellings. APPROVED 02.03.1998

P/1994/1594 – Erection of Two Dwellings (In Outline) Renewal of Application 92/0129/OA. APPROVED 08.02.1995

P/1992/0129 – Erection of Two Dwellings (In Outline). APPROVED 26.03.1992

P/1989/0030 – Erection of 2 Dwellings (Renewal of Outline Permission Reference Application Number 85.3366OA). APPROVED 22.03.1989

P/1985/3366 – Two Dwellings. APPROVED 22.01.1986

P/1982/2655 – Two Dwellings. APPROVED 16.12.1982

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

The key issues to consider in relation to this application are:

1. Principle of Development
2. Visual Impact / Impact on the AONB / Impact on Heritage Assets
3. Amenity / Character / Over Development
4. Flood Risk & Drainage
5. Other Considerations (Highways / 5 Year Housing Land Supply / Ecology / Precedent / Brixham Peninsula NP)

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

The application seeks planning permission for two detached properties.

The Development Plan for the purposes of this application is the adopted Torbay Local Plan. Policy H1 of the Torbay Local Plan states that proposals for new homes within the built-up area (as is the case in this instance), will be supported subject to consistency with other policies in the Local Plan. The site is within the built-up area of Brixham (being identified as such in the adopted Torbay Local Plan).

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 emerging Brixham Peninsula Neighbourhood Plan (BPNP) excludes the whole of 190 Northfields Road (both the existing property and its garden) from within the Settlement Boundary, although the site is adjacent to it. Policy E2 of the BPNP does not support development beyond the settlement boundary (it suggests all land beyond settlement boundaries is 'open countryside'), unless it meets with the subsequent criteria. The proposed development at the site would not meet those criteria.

Although policies of the emerging BPNP do not support the proposed development, the BPNP has not yet been adopted and therefore does not yet form part of the Development Plan. Whilst the policies contained within the BPNP are a material consideration, the weight to be afforded to them before the BPNP is adopted is less than that to be afforded to relevant policies in the Torbay Local Plan.

Being in accordance with Policy H1 of the Local Plan, the principle of the proposal is considered to be acceptable.



## **2. Visual Impact / Impact on the AONB / Impact on Heritage Assets**

The National Planning Policy Framework (NPPF) states that design should underpin decision making is to secure high quality design. In addition, the NPPF also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy SS8 of the Torbay Local Plan seeks to ensure developments would maintain and conserve the character of an AONB, and where possible enhance that character. Policy SS10 of the Torbay Local Plan seeks to ensure developments maintain and where possible enhance heritage assets and their settings.

Objectors have raised concerns about the proposal's impact on the AONB, the nearby conservation area, the character of the area in general, and about the proposal amounting to an over development of the site.

It is noted that in 2005, planning permission was granted for two detached properties (of comparable size / mass) to the two properties proposed in the current application.

Paragraph 172 of the NPPF (July 2018) states that:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.”

As the then proposal was deemed acceptable in the AONB in 2005, and has not received an objection from the South Devon AONB Unit in relation to the proposed scheme it is considered as acceptable in this case, with the proposal being for two detached properties in the same site, with those properties being of a similar scale and mass. In addition, the site, if visible from other parts of the AONB (it is currently screened behind a mature coppice of pine trees that would require separate permission for removal (they are within the Brixham Town CA)) would be set against the more prominent urban backdrop of Brixham, so being seen in an appropriate context.

The site is not within any identified heritage assets. It is noted that the land to the north and east is identified as the Battery Head Scheduled Ancient Monument (SAM) and the edge of Brixham Town Conservation Area (CA).

The Torbay Conservation Officer does not raise any objections and has implied the scheme could help deliver a return to the green setting (in part) with the restoration of the boundary wall and landscaping as proposed. These elements

can be secured by way of planning conditions and, as such, the scheme is considered to be acceptable from a heritage perspective. It is considered that the proposal would not result in any harm to heritage assets.

The site and associated development seeks to ensure the stone wall to the east is re-instated, as well as a comprehensive planting / landscaping scheme. In this instance, levels of harm are not considered significant, and any impact is tempered by the proposed boundary enhancements and delivery of two units.

The objectors have also suggested the scheme is out of character with the area and would qualify as over development. In this instance, being set below the properties to the south, and partially set into the slope of the site, and back from the highway, as well as having a backdrop of higher residential properties, it is considered the character of the area would not be adversely affected (it is accepted it would change but that such change is measured and not considered unacceptable given the nature of the proposal, the site, and its surroundings).

Given its siting, scale, and design, together with the site's planning history and that the AONB Unit have not raised an objection in terms of the proposals impact on the AONB, it is considered that the proposed dwellings would not result in unacceptable harm to the character or visual amenities of the locality or the AONB, subject to the implementation of the submitted landscape plan and scheme and lighting conditions.

The proposal is considered to be in accordance with Policies DE1, SS8 and SS10 of the Torbay Local Plan, and the guidance contained in the NPPF.

### **3. Amenity / Character / Over Development**

Policy DE3 of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity.

The design of the properties is such that first floor windows between each other and Cove Apartments to the south west of the site are positioned at high levels ensuring no direct lines of sight. The position of the properties, below the ground level of those properties to the south on Northfields Lane ensures again that there are no direct lines of sight between properties.

The two dwellings would have first-floor balconies on their western elevations, but with the lack of fenestration on first floors on the eastern elevations of both properties would ensure no lines of sight between properties from these balconies. The relationship between the balcony of the property to the western side of the site, and Cove Apartments is such that there would be no lines of sight, due to the lack of fenestration on the holiday apartments to the west (Cove Apartments) / and proposed landscaping along the boundary between the site and Cove Apartments.

Objections have suggested noise impacts would justify refusal. In this instance, the scheme is for 2 residential properties in a predominantly residential area of Brixham. It is accepted that there may be noise associated with the construction phase, but by its very nature, development will cease after a limited duration, so would qualify as temporary. As such, the impact of noise from development is not considered sufficient to warrant a recommendation of refusal on such grounds.

Given their siting, scale, and design (2 storey, flat roofed properties) it is considered that the proposed development is suitably screened from neighbouring properties, and would not result in overlooking, over bearing effects, or a loss of privacy. In addition, the density of development is not considered excessive in this instance (the outdoor space being not dissimilar to that of similar sized properties).

The proposal would provide an adequate standard of accommodation and amenity space for the enjoyment of the proposal's future occupiers.

The proposal is therefore considered to be in accordance with Policies DE3 of the Local Plan.

#### **4. Flood risk / Drainage**

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere.

Objectors have raised concerns about the proposal's impacts on drainage arrangements.

The proposal would increase the impermeable built footprint at the site by 286 square metres. The site is in Flood Zone 1. The FRA states that surface water would be disposed of by way of SUDS. The Torbay Drainage Matrix states there would be no objection on drainage grounds subject to the inclusion of a drainage planning condition (SuDS).

This interpretation has been supported by the Torbay Drainage Engineer who has not raised an objection.

Foul drainage would be directed to mains sewer and there are no known issues in the locality indicating that the proposed development could not be accommodated by the existing infrastructure.

The proposal is therefore considered to be in accordance with Policy ER1.

#### **5. Other Considerations**

## **Highways**

Policy TA3 of the Torbay Local Plan identifies parking requirements for various forms of development. Appendix F of this Policy provides further details in relation to parking provision.

The scheme proposes 2 off street parking spaces per unit. Appendix F states that 2 parking spaces would be expected. In this instance, with the provision of 2 spaces each, the requirements of Appendix F / Policy TA3 would be met.

In addition, the Torbay Highways Officer has stated that evident speeds on Fishcombe Road are such that they self-regulate with maximum speeds of circa 10 mph attainable.

It is accepted that concerns relating to accidents and traffic speeds on nearby roads have been raised by objectors, and that additional traffic would only worsen this. Evidence has been provided that details accidents, principally those at the junction of North Furzeham Road / Northfields Lane. It is accepted that there have been accidents but these cannot be attributed to a development not at this junction. In addition, although anecdotal evidence has been submitted suggesting people driving the wrong way along the one-way system, there are clear road markings and signage directing people / vehicle users in relation to the one-way system. The scale of development and the amount of traffic it would generate is not considered sufficient to result in unacceptable additional harm highway safety or amenity.

## **5 Year Housing Land Supply (5YHLS)**

The Council cannot presently demonstrate a deliverable 5 year housing land supply, as required by paragraph 47 of the National Planning Policy Framework (NPPF). At present, the Council it estimated to have a 3.96 year availability of housing land, as evidenced in the 'Torbay Council - Five Year Land Supply Statement (December 2017)'.

The site could deliver 2 new dwellings and as such would be defined as a 'Windfall' site and would contribute to the under-supply of housing in Torbay.

## **Ecology**

The application has been supported by a Preliminary Ecological Assessment (PEA).

Submitted objections have cited impacts on ecology as a reason for refusal.

The PEA does not identify protected species but does propose recommendations

/ good working practices associated with construction. In this instance it is suggested the scheme would accord with Policy SS8 in that there would be no impact on protected species or habitats, but in the interests of ensuring good working practices are followed, the development should be conditioned to be carried out in accordance with the PEA.

Knowing the above, it is considered that the scheme accords with the objectives of Policies NC1 and SS8 of the Torbay Local Plan (that seek to ensure species and habitats are suitably protected).

### **Precedent**

Objections received have suggested the scheme should be refused on the grounds that it would, or could, set a precedent. As the proposals accord with the provisions of the Development Plan currently in force, this is not a material planning consideration.

### **Brixham Peninsula Neighbourhood Plan**

The Brixham Peninsula 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 Policies E1.5 (Landscape beauty and protected areas) – which seeks to ensure development should not harm a protected landscape, including its dark skies and tranquillity; BH5.3 (Good design and the town and village Design Statements) – which seeks to ensure schemes are of a good design that integrate and respond to the local character; and BH5.4 (Good design and the town and village Design Statements) - which states that planning permission should be refused for development that is of poor design that fails to take opportunities to improve local character.

These policies require development to be of good quality design and to respect the local character in terms of height, scale and bulk and reflect the identity of its surroundings. The proposal is considered to comply with this policy as the scale and bulk respect the characteristic of the adjacent flat roofed properties (Sea Cove Holiday Bungalows), and minimise height so not breaking the building line to the rear (elevated properties on Northfields Lane), resulting in an acceptable design and appearance, that has the support of the South Devon AONB Unit (subject to the planning conditions as proposed). The proposal is therefore considered to accord with the emerging Brixham Peninsula Neighbourhood Plan Policies.

### **Local Finance Considerations**

## **S106/CIL –**

S106:

Not applicable.

CIL:

The site is identified as being in Chargeable Zone 2 in the adopted Torbay CIL Schedule (2017). The proposal is for fewer than 3 units. As such the CIL liability for this development is Nil.

### **Statement on 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.

### **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.

### **Conclusions**

The proposal is considered acceptable, having regard to the Development Plan and all other material considerations.

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

### 01. Drainage

In accordance with the submitted flood risk assessment received 13.08.2018, surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 30% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030 and the guidance contained in the NPPF.

### 02. Ecology

The development hereby approved shall be carried out in accordance with the recommendations detailed in the approved Preliminary Ecological Appraisal (Green Lane Ecology – 01.05.2018).

Reason: In the interests of ensuring good working practice, and habitat enhancement and in accordance with Policy SS8 of the Torbay Local Plan.

### 03. Construction and Environmental Management Plan (CEMP)

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

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period of the development.

Reason: In the interests of biodiversity and to minimise impacts on protected species in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030, and paragraphs 109 and 118 of the NPPF. These details are required pre-commencement as specified to ensure that biodiversity is not harmed by building operations or vegetation removal.

#### 04. Construction Specification / Method Statement

Prior to the commencement of any works on site (including demolition and site clearance or tree works), a detailed Construction Specification / Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall provide details of the consideration of neighbouring mature trees with regard to tree protection, construction exclusion zones and proposed pruning works. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

Reason: To ensure the protection of the trees in the interests of the amenity of the area.

#### 05. Landscaping

The development hereby approved shall be completed in accordance with the submitted Landscape Plan (drawing number CD/IHD/561-01). The landscape scheme, as detailed in the aforementioned drawing shall be implemented / completed within the first available planting season after the completion of construction / occupation of the two properties.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to



enhance its setting within the immediate locality in accordance with Policy C1 of the Local Plan.

#### 06. External Lighting

No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.

Reason: In the interests of neighbouring amenity and wider ecology in accordance with Policies DE3 and NC1 of the Torbay Local Plan.

#### 07. Boundary Wall

Prior to the commencement of the development hereby permitted, details of the proposed works to the existing stone boundary wall, to be repaired and reinstated, shall be submitted to and approved in writing by the Local Planning Authority. The approved repair and reinstatement works shall be completed prior to the first occupation of the dwellings hereby approved and the stone wall shall thereafter be retained indefinitely.

Reason: In the interests of amenity and setting of nearby heritage assets, and in accordance with Policies DE1, DE3 and SS10 of the Torbay Local Plan.

#### 08. Materials

No development shall take place until details of the proposed cladding materials (walls and roof) and openings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details, and shall be retained as such for the life of the development.

Reason: In the interest of visual amenity and in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030.

#### 09. Boundary Treatment

Prior to the first occupation of the development hereby permitted, a scheme of boundary treatment shall be fully installed in accordance with details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once provided, the agreed boundary treatment shall be retained for the life of the development.

Reason:

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

#### 10. Refuse Storage

Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once provided, the agreed storage arrangements shall be retained for the life of the development.

Reason:

In interests of visual amenity and in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030.

#### 11. Parking and Manoeuvring Areas

The dwellings hereby approved shall not be occupied or brought into use until the parking spaces, including garages, detailed on the approved plans have been provided. The garages shall be retained for the sole purpose of vehicle parking.

Reason:

In accordance with highway safety and amenity, and in accordance with Policy TA3 of the Adopted Torbay Local Plan 2012-2030.

#### 12. Permitted Development

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 2015, Article 3, Schedule 2, Part 1, Classes A to E, no enlargements, improvements or other alteration shall take place to the proposed dwellings within the application site, and no outbuildings or other means of enclosures shall be erected within the garden areas of these dwelling houses, with the exception of one ancillary structure each up to 10 cubic metres in volume, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:

In interests of visual and local amenity and in accordance with Policies DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030.

### **Informative(s)**

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

### **Relevant Policies**

- DE1 – Design
- DE3 – Development Amenity
- DE4 – Building Heights
- SS3 – Presumption in Favour of Sustainable Development
- SS8 – Natural Environment
- SS10 – Conservation and Historic Environment
- SS13 – 5 Year Housing Land Supply
- ER1 – Flood Risk
- TA2 – Development Access
- TA3 – Parking Requirements
- NC1 – Biodiversity and Geodiversity