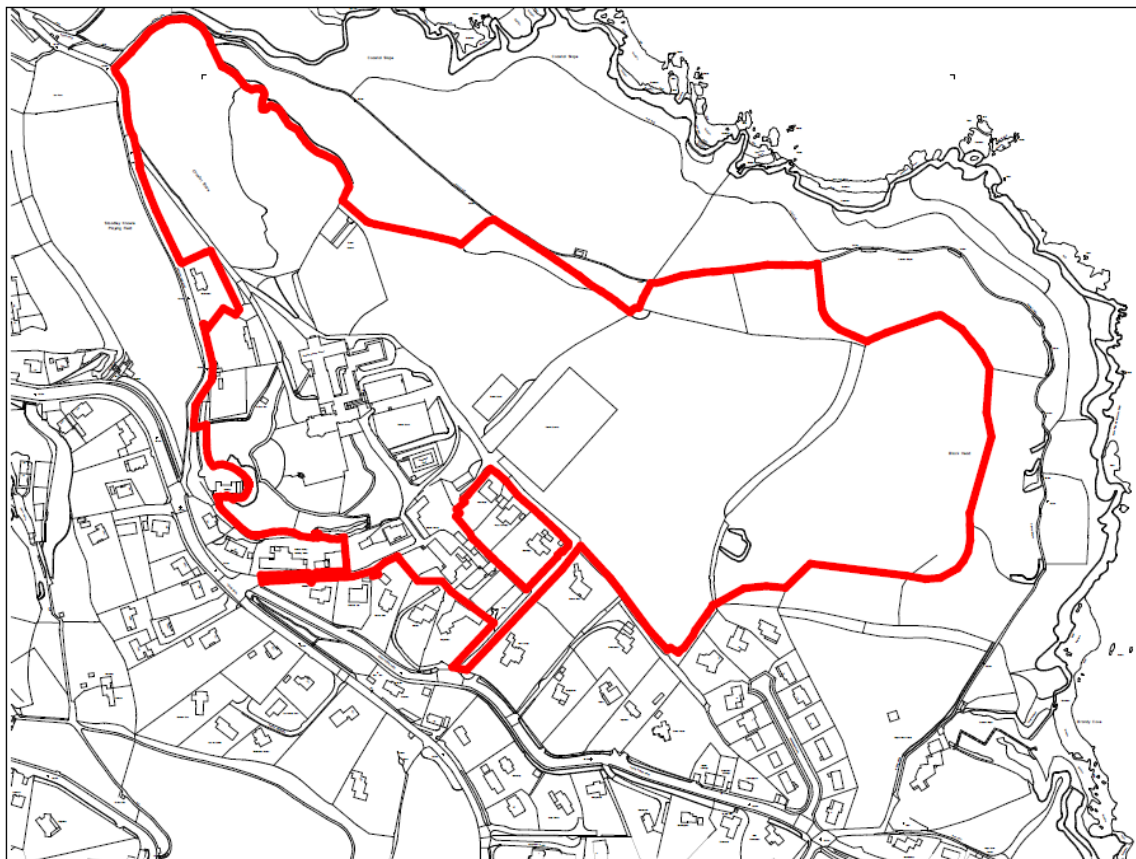


Application Site Address	Stoodley Knowle School, Ansteys Cove Road Torquay TQ1 2JB
Proposal	Demolition of school site and construction of 90 residential units (houses and apartments), with associated car parking, landscaping and infrastructure.
Application Number	P/2019/1330
Applicant	The PG Group
Agent	Bell Cornwell LLP
Date Application Valid	16.12.2019
Decision Due date	16.03.2020
Extension of Time Date	17.07.2020
Recommendation	Approval subject to conditions and a S106 legal agreement (detailed wording at the end of this report)
Reason for Referral to Planning Committee	Major Development
Planning Case Officer	Scott Jones

Location Plan –



Site Details

The site is that of the former Stoodley Knowle School, an independent girls school which closed in 2015, set within the suburb of Wellswood, Torquay, located on an elevated coastal position between Ansteys Cove to the north-west and Hope Cove to the south-east.

The site covers a total of 17.4 hectares and comprises a large complex of buildings along with areas of open meadow, gardens and woodland. The existing buildings are primarily located towards the centre and western parts of the site and are a mixture of styles and ages, varying in scale between larger more modern institutional buildings to much smaller more domestically scaled period buildings. The more domestically scaled building group towards the southern border of the site includes buildings that are subject to statutory Grade II or II* listings.

In addition to the buildings the site includes various areas of woodland which are located primarily towards the southern and northern boundaries of the site, with smaller pockets of trees located on its other boundaries. Areas of open meadow predominate the north and eastern half of the site and gardens frame the built form to the southern half of the site. There are two substantial areas of hardstand (former tennis courts) that punctuate the open meadow close to the eastern-most access point into the site.

The north and east boundaries of the site run along a steep wooded slope above the public South West Coastal Path, which circumnavigates the coastal border of the site. The boundary to the west is bounded by Anstey's Cove Road, from which one of the main access routes to the site is located. The southern boundary borders a number of residential properties on Ilsham Marine Drive and there are two further vehicular routes into the site off Ilsham Marine Drive. One access is via Ilsham Close, which is a private lane and further west sits the previous main access, which is again via a private lane which also serves a handful of existing dwellings as well.

The Torbay Local Plan identifies the meadow, open space and woodlands north and east of the internal road through the site as Undeveloped Coast. The western slopes east of the main building group facing towards Ilsham Road is an Urban Landscape Protection Area. The woodland to the south-east and escarpment to the north are Local Nature Reserves. Adjacent to the site the coastal slopes are a designated SSSI (Site of Special Scientific Interest), and in terms of the adjacent marine environment the site is adjacent to the Lyme Bay and Torbay SAC (Special Area of Conservation) and Marine Conservation Zone. In terms of further designations the site is within a Critical Drainage Area.

Description of Development

The application seeks the demolition of the majority of the school buildings in order to redevelop the site to provide 90 residential units comprising 68 apartments, 13 new-build dwellings and 9 dwellings via the conversion of existing buildings.

The bulk of the existing school buildings (which are largely modern) are to be demolished and replaced with three apartment blocks to a scale of four and five

storeys, set within a loose triangular arrangement. The apartments are mostly 2-bed (x56) but there also 1-bed (x10) and 3-bed (x2) units provided. In terms of design the appearance of the apartment blocks is modern with natural materials and natural tones used across the floors which seek to respond to the landscape setting. The main materials are a mixture of stone (base level), bronze metal cladding panels (for the middle sections) with a largely glazed upper floor. Car parking for the apartments would be located in the immediate vicinity of these buildings, with 93 spaces provided for the 68 apartments and 2 dwellings.

The School Main House (Villa Building) that is at the centre of the existing school complex is to be retained and converted into two large apartments, with parking provided nearby as part of the 93 spaces set around the apartment blocks.

In regard to the remainder of the conversion units the complex of historic buildings, which is located towards the southern end of the site, is to be converted into a number of houses to present a 'historic quarter'. Where appropriate, some of the less sensitive additions to these properties are proposed to be demolished together with some degree of extension. The scheme seeks to provide this area of the site with a strong sense of enclosure and of improved historic character. 7 dwellings will be provided within the historic quarter, which will be accessed from the east off the existing private drive.

In regard to the 13 new-build dwellings 7 will be provided along the south-eastern boundary adjacent to the existing access road and existing residential properties that sit adjacent to the site. Within the 7 there are 2 dwellings to the east of the access point, which are modern mono-pitched units that are 2-storeys high with a small degree of additional internal space within part of the roof. The character is modern and the materials are a mix of stone and timber cladding under a standing seam roof. The 5 units to the west of the access point in the areas of the existing tennis courts are also two storey in scale and use similar materials, but are presented in a gabled form rather than a mono-pitch. Elsewhere three dwellings are proposed between the listed buildings and the retained Villa and proposed apartments, in the area that currently holds a swimming pool and general landscaping. Due to the rising ground levels westwards two of these are split level and one is single storey. The appearance is flat roofed and modern with natural materials (stone and timber) seeking to respond to the landscape setting. Further west the remaining 2 new-build dwellings are set within the walled gardens near to Ansteys Cove Road. The scale is again two storeys and each house is conceived as a stone plinth with a lightweight glazed 'pavilion' over, under a shallow roof profile, which seeks to respond to the roof profile of the historic greenhouses.

A single vehicular access into the site using the existing road from Ilsham Marine Drive is proposed with the second existing access, from the direction of Anstey's Cove Road, to be used solely to provide cycle and pedestrian access. The existing third access to the site via Ilsham Close will not be openly used for the development and will solely serve one of the new-build dwellings.

Surface water drainage will be dealt with by a combination of communal geocellular soakaways, attenuation ponds and a degree of connection to the Public Sewer system.

As a guide six hectares of the 17.4 hectare site would be subject to material change with the bulk of this change being on previously developed land.

Relevant Planning Policy Context

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

Development Plan

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

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Published Standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

Relevant Planning History

Pre-Application:

DE/2017/0138: Conversion of 5 x listed barns and restoration of the Grade II.* Chapel. Demolition of all other buildings and replacement with 25 x new houses, 60 to 80 x 1,2 and 3 bedroom flats and a 60 bedroom nursing home. Landscaping and amenity space. Split Decision.

Applications:

P/2019/1334: Demolition of school site and construction of 90 residential units (houses and apartments), with associated car parking, landscaping and infrastructure. (*Associated Listed Building Consent to P/2019/1330*). Pending determination

*P/2018/0472: Demolition and conversion of former school buildings; creation of 106 dwellings comprising apartments and houses (97 new build units); and construction of a 60-bed care home, along with car parking, landscaping, and other associated infrastructure. Pending determination.

*P/2018/0473: Demolition and conversion of former school buildings; creation of 106 dwellings comprising apartments and houses (97 new build units); and construction of a 60-bed care home, along with car parking, landscaping, and other associated infrastructure. (*Associated Listed Building Consent to P/2019/1330*). Pending determination.

*The consideration of these applications has been paused whilst the Authority considers the current 'reduced' scheme for 90 units, which the applicant has submitted to try and respond to officer concerns (principally) regarding the extent and location of development within the Undeveloped Coast.

P/2011/1245: Demolition of house at St Gerard and construction of 2 new houses within the site curtilage (In outline). Approved.

P/2014/1018: Construction of two new dwellings within the site curtilage, illustrating appearance, external landscaping, site layout and dwelling layouts (reserved matters following outline approval P/2011/1245). Approved.

Summary of Representations

A total of 10 public representations have been submitted objecting to scheme. The following provides a summary of the main issues identified and where appropriate a summary response is provided by the planning officer. Where appropriate the issues raised are discussed further in the Key Issues/ Material Considerations section of this report. The concerns raised in the objections are as follows:

- Volume of traffic using the junction with Ilsham Marine Road.
- The proposal for a footpath link to Ilsham Close is ambiguous and should be secured to encourage sustainable modes of local transport.
- The use of Ansteys Cove Road as an access would remove traffic through the busy section of Ilsham Road.
- Increased pressure upon health care.
- Over development.
- Too exclusive.
- Impacts a beauty spot and undesignated coastal land.
- Un-needed housing in the wrong location.
- Impact on local schools and community services.
- Impact upon ecology that use the site.
- Potential flooding on adjacent properties.
- Impact upon amenity from the properties adjacent to the detached dwellings and the converted listed buildings.
- Development should not have street lights due to its location.

Positive comments:

- Welcome the reduction in scale of the proposed development; particularly the removal of the Nursing Home given the commercial and staff traffic that would have been associated with this.

The NHS Devon Clinical Commissioning Group have raised concern that the development is likely to result in an additional patients and a resultant cost of £33,675 which should be secured from the developer in order to mitigate the impact of the development in question. In addition to the contribution figure the NHS CCG also suggests any legal costs incurred as a result of the preparation and completion of the s106 agreement should be secured.

The Torbay and South Devon NHS Trust has raised concern on health provision and

that without securing such contributions, the Trust would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area. A contribution for 90 dwellings is £89,151.20 is sought to be used directly to provide additional health care services to meet patient demand.

Officer comment: The Development Plan only seeks S106 obligations for health care from specialist accommodation for the elderly (as per Policy H6) or where development gives rise to a specific need (such as a new surgery). The obligations sought by the NHS bodies are not considered to meet the necessary tests for obligations and cannot be sought. The obligations seek to respond to an increase in pressure upon services from additional housing, however expectations for housing growth within Torbay has been publically established for some time within the Development Plan. Although the site is not allocated for housing there is an expectation that almost a quarter of the housing supply for the plan period will be delivered through windfall sites, although sites are generally expected to be minor in scale. It is however also important to consider that the Council cannot currently demonstrate the expected 5 year housing land supply, which suggests housing growth will be lower than that projected within the Development Plan. In this particular instance in the absence of a particular policy to support the notion of health obligations it is not considered justifiable to seek the obligations on this windfall site where growth levels are below the levels expected within the Development Plan.

Summary of Consultation Responses

Torbay Council Strategic Transport Officer (incorporating comments of the Highway Authority):

The site is to be served by a shared surface street, which by virtue of ecology, landscape and conservation factors has not been designed to the Torbay Highways Design Guide and cannot, therefore, be adopted via Section 38 Agreement and is contrary to policy. However in the context of the previous use, NPPF paragraph 109 (see below) and the provision of an acceptable road management plan and waste management plan, this would not result in an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network.

Recommended Actions/Requirements:

The applicant will need to provide further details prior to marketing and occupation:

- Where possible, construction of the internal roads and footpaths within the internal layout in accordance with the Torbay 'Highways Design Guide for new developments'.
- The Submission of a Road Management Plan to ensure that there is an appropriate scheme of maintenance and which ensures a minimum clear way is maintained at all times for delivery and emergency vehicles.
- A Waste Management Plan (Policy W1 and W2) indicating recycling/waste collection method statement. This can be conditioned.
- The development will need to secure appropriate levels of electrical charging points in accordance with Policy TA3. This can be conditioned.

- A revised and updated Travel Plan and Implementation Strategy with SMART targets to seek to meet Policy (TA2) requirements of (30% modal shift to foot, cycle and public transport) with appropriate mitigation measures should these targets not be met to be made available to the LPA. This can be conditioned prior to marketing.
- Please note that the required minor alterations to the access onto the public highway will need to be carried out under an appropriate license from the Highway authority.

Torbay Council Drainage Engineer:

Further to the email dated 23rd April 2020 attaching revised surface water drainage details for the above planning application, I can confirm that providing the surface water drainage is constructed in accordance with the latest drawings and the submitted hydraulic modelling, I would have no objections to planning permission being granted for this development.

South West Water:

South West Water has no objection or comment.

Torbay Council Community Safety Team:

Further to your recent consultation regarding the above application I would confirm that that I have no objection subject to the inclusion of a condition requiring a demolition/construction management plan.

Torbay Council Arboricultural Officer:

Having read through the woodland management plan I am happy with the overview provided and the management proposals within the report.

Torbay Council Waste and Recycling Team:

I understand that this development is a mix of individual and flatted properties. The flatted properties with a communal bin store are the biggest concern in terms of storage space, as developers often do not provide adequate space for them to be used easily by residents. I understand that current Planning policy asks developers to provide a waste management plan for any developments where communal bin stores are intended to be used, explaining how the waste will be managed and stored, how recycling will be facilitated and how collection will be facilitated.

If the roads are adopted then waste and recycling collections will take place on the development, providing the residents place containers at the boundary of their property, adjacent to the public highway. If our refuse and recycling collectors are to collect from inside communal bin stores, these need to be no further than 25 meters from the point on the adopted public highway that the collection vehicle can stop. If the bin store is further away than this, someone from the development would need to bring the communal bins to a point 25m from the adopted public highway.

If the roads remain un-adopted on the site, we would not collect refuse and recycling from the properties, even if an indemnity is secured.

As a Unitary Authority, we are concerned that if the roads remain un-adopted that we will be unable to fulfil our duties as a Waste Collection Authority and may leave

ourselves open to legal challenge. We are also concerned about how the arrangement would continue over time as properties are sold and new residents seek waste and recycling collections from the local authority.

Historic England:

Historic England has concerns regarding the applications on heritage grounds. The council should ensure that they have sufficient information by which they and their heritage advisors can assess the impact of the wider development, with particular reference to the north-west, on the setting of the historic complex and its contribution to significance.

Due to the lack of justification for the proposed increase in scale of the new additions to the complex, the council in discussions with their heritage advisor and the applicant should explore ways in which the scale and bulk of these new additions can be reduced to ensure that they continue to make a positive impact to this highly significant complex of buildings.

The council should also secure the on-going management of the grade II* listed Oratory, including its maintenance, repair and interpretation through the planning application. This will ensure the building has a sustainable future.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

Torbay Council Interim Heritage Advisor:

This scheme has been the subject of considerable negotiations over a long period, with a view to reaching a proposal which could reasonably receive a recommendation of approval. This has also involved consultation with the previous conservation officer.

I am pleased that the latest application has clearly been designed with a view to addressing the major issues identified in respect of the original application.

In terms of heritage context, the site has development over the years and is now of a somewhat mixed character. However there are some strong and important elements of heritage (including high quality non-designated assets) contained within the mix, these include designated heritage assets in the form of listed buildings.

The application includes an assessment of heritage (including archaeology) which suitably considers all of the designated and non-designated heritage assets on the site and their setting where appropriate. The impact on some of the settings are further helpfully covered by illustrations of before and after viewpoints. The submitted Planning Statement also provides a useful summary of the potential heritage impacts and assessments.

In my view whilst providing a new context for the heritage assets involved the design has been carefully considered and is of a high quality. Whilst there are numerous detailed considerations, in my opinion the overall scheme strikes a suitable balance which will help to restore the site back to an economic use and ensure that the heritage assets have a sustainable future, or at the very least are repaired to enable a reuse to be found in the longer term. The settings of the heritage assets was a concern expressed by Historic England, however, I consider that the additional material supplied by the applicant helps to clarify that whilst the setting will change this has been handled with care to ensure that the impact is limited.

In conclusion, I consider that the scheme has been well researched and designed and in terms of heritage impacts a suitable balance has been achieved where overall the outcome in terms of heritage could be said to be neutral. Any negative overall impacts arising would in my view fall within the less than substantial harm category.

The development should be subject for the usual range of standard conditions applicable to works involving heritage assets, including details of all new material, with sample panels of materials to clarify finishes, pointing and pointing mix, and fenestration and joinery details including sectional drawings indicating reveals at an appropriate scale. The landscaping of the site will be critical to the success of the scheme, not least in terms of ensuring that the setting of the heritage assets are protected and enhanced. The submitted details indicate that landscaping has been carefully considered to date, and as such any conditions should ensure that the restoration elements are suitably phased to ensure that they are delivered in a timely manner.

Devon County Archaeologist:

Recommend that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

Natural England:

Lyme Bay and Torbay SAC:

Subject to the mitigation measures being secured no objection in terms of likely impact upon the SAC.

Marine Conservation Zone

Subject to the mitigation measures being secured no objection in terms of likely impact upon the MCZ.

SSSI

No Objection' with regard to National Sites subject to appropriate mitigation being secured.

General ecology:

Defer to standing advice.

Torbay Council Ecology Advisor:Lyme Bay and Torbay SAC Impacts:

The mitigation measures as outlined in Section 17 of the Authority's HRA/AA will ensure that likely significant effects on Lyme Bay and Torbay SAC are avoided. The various mitigation measures will be secured through conditions and/or appropriate clauses in the Section 106 Agreement attached to any planning consent. It is therefore concluded that subject to implementation of mitigation this proposal will not have an adverse effect on the integrity of the Lyme Bay and Torbay SAC alone or in combination with other plans or projects.

Marine Conservation Zone Impacts:

No adverse effects are predicted by the applicant as a result of the construction or operation of the development. The proposed drainage strategy confirms there would be no resulting discharge of untreated effluent to the environment. Any potential recreational effects are to be managed by way of a strategic mitigation contribution on a per dwelling basis.

In view of the above measures, secured by condition, the competent authority concurs with the applicant's MCZ assessment and concludes that there would be no significant risk that the proposed development would hinder the conservation objectives of the Torbay MCZ as a result of changes to surface water quality, or through an increase in recreational pressures.

SSSI considerations:

Natural England in its consultation of 27 April 2020 advised 'No Objection' with regard to National Sites subject to appropriate mitigation being secured. In order to mitigate these adverse effects and make development acceptable, the avoidance and mitigation measures proposed within the Ecological Impact Assessment will need to be secured with appropriately worded planning conditions.

Biodiversity

Based upon the findings of the submitted assessment documents and subject to strict compliance with the proposed mitigation and enhancement measures it is considered there would be no significant long-term negative effects on biodiversity and geodiversity receptors in accordance with relevant legislation and policy.

Police Designing Out Crime Officer:

It is appreciated that the Highways Authority will be fully consulted on the above proposal but from a policing perspective it is respectfully requested that prior to determination the parking provision, particularly for the apartments, is carefully considered to ensure that it is sufficient and practical and convenient to use, to prevent unplanned parking elsewhere, as it is the 'elsewhere' that has real potential in creating parking related problems, upset and angst due to inconsiderate and/or obstructive parking, not just for the proposed development but also for the nearby existing neighbourhood.

Apartments

With the above said the parking provision of just one space for each apartment is concerning given that 56 of the apartments have 2 bedrooms and 2 apartments have 3 bedrooms, as such it is likely that some of these dwellings could easily attract more than one vehicle.

The location of mail boxes in the front entrances of the apartment blocks are noted but as tradesperson buttons are no longer supported due to an increase in crime and antisocial behavior.

Communal mail delivery facilities within building entrances serving multiple flats or rooms should be designed to incorporate the following:

- Located at the primary entrance/exit point of the building within view, within an internal area covered by CCTV or located within a secure access controlled entrance hall, or externally at the front of the building within view of those using the building;
- Be of robust construction;
- The individual letter boxes shall have a maximum aperture size of 260mmx40mm;
- Have anti-fishing properties;
- Have fire resistance where considered necessary;
- Installed in accordance with the manufacturers specification.
- Building access strategy to account for residents who will rely on others to collect their mail.

Letter boxes certificated to Door & Hardware Federation Technical Specification 009 (TS 009) offer reassurance that all of the above attributes have been met.

With regard to individual apartment door sets please note the foreword in the attached Secured by Design 'A Guide For Selecting Flat Entrance Door sets' which *states "Following the tragedy of Grenfell Tower in June 2017, several not for profit organisations with expertise in door sets and fire safety have come together to provide guidance that will explain what to look for in a flat entrance door set, how this relates to latest advice supplied by Government (MHCLG) and why third-party certification of fire door set manufacture, installation and maintenance is a critical part of fire protection"*. The guidance only applies when specifying, purchasing, or installing new door sets.

It is recommended that all external entrance doors for all dwellings and all individual apartment doors are sourced as tested and certificated products.

Sport England:

The proposed development does not fall within either our statutory remit, therefore Sport England has not provided a detailed response in this case.

Key Issues/Material Considerations

Planning Officer Assessment

1. Principle of Residential Development
2. Design and Visual Impact

- 3. Heritage Impact
- 3. Residential Amenity
- 4. Movement, Highway Safety and Parking
- 5. Ecology and Biodiversity
- 6. Drainage and Flood Risk
- 7. Other Considerations

1. Principle of Residential Development

1.1 In terms of the principle of a residential use Policy H1 of the Torbay Local Plan states that proposals for new homes within the built-up area will be supported subject to consistency with other policies in the Local Plan. In terms of the development the vast majority of the proposed housing is within the built up area and hence accords with the strategic direction of Policy H1, of steering development away from the undesignated sites in the countryside.

1.2 In terms of considering the element of the site that does not sit within the built up area it is necessary to consider the extent of development that is proposed to the north (coastal side) of the existing internal road, which is the defining linear feature. The land beyond this being designated as Undeveloped Coast and hence outside of the built up area. There are 7 detached dwellings and an element of one of the apartment blocks (and the associated road/s adjacent) located within the Undeveloped Coast. For information the extent of Apartment Block B that is within the Undeveloped Coast is approximately 20% of its footprint, which principally presents 3 apartments being within the Undeveloped Coast. This principally results in 10 residential dwellings in total, together with an associated road, as being proposed on land outside of the built up area and thus detached from the broad support presented within Policy H1 of the Local Plan. It should be noted though that 3 of these dwellings are on previously developed land though, where they replace in part existing hardstand tennis courts, and there is separate policy guidance towards supporting development on previously developed land within the Development Plan and the NPPF.

1.3 In regard to the broad principle of housing within the Undeveloped Coast Policy C2 of the Torbay Local Plan does not strategically endorse housing within the Undeveloped Coast and thus the scheme is considered to present some conflict with Policy C2. For information the policy cites support to conserve the character of the undeveloped coast and furthers that development will not be permitted in the undeveloped coastal area unless proposals satisfies 3 requirements, which are put simply to maintain the unspoilt character of the coastline, maintain or improve public access, and provide sensitively designed development where there are clear economic or sustainability benefits that cannot be realised in alternative locations. In regard to how the development responds to the 3 tests Policy C2 the extent of development is relatively contained and is presented in less sensitive locations in order to seek to maintain an open and undeveloped meadow and woodlands to towards the coastal side of the site. In regard to improving public access the proposal includes an offer of £25,000 to improve the adjacent section of the SWCP however officer opinion is that this cannot be secured as there is no demonstrable evidence/information from the Council's Natural Environment Services Team in order to satisfy the tests for obligations. Aside this the scheme does maintain an expansive open meadow and it is proposed that this should be conditioned in order to secure its public use, which

would improve access. In regard to the 3rd test although residential uses could be secured in other locations within Torbay the application is supported by a viability assessment that demonstrates that the amount of development proposed is necessary within this site. There is a balanced consideration to be made as to whether placing development within other areas of the site, that are not Undeveloped Coast, would actually be beneficial in terms of visual impact and delivering the wider benefits of the redevelopment.

1.4 In regard to further notable policy guidance on the principle Policy SS12 (Housing) reinforces that housing provision will focus upon a sustainable pattern of distribution with an emphasis upon the regeneration of brownfield sites and town centre sites, and development of urban sites. As a defunct school the site is clearly a 'brownfield' site, but it is one that includes areas that were not previously developed and as mentioned are designated as part of undeveloped coastal environment. In the circumstance as this is a site that holds extensive development, there is considered to be broad conformity with the aspirations of Policy SS12 in terms of reusing previously developed land, certainly in light of the sites location in a sustainable location close to established shops, schools and broader facilities.

1.5 In addition to the above policy there is also broad strategic support within Policy SS13 (Five year housing land supply) to consider housing applications favourably, consistent with other policies, where the supply of housing falls below the 5 year housing supply. This 'favourability' is currently activated as the Council can only currently demonstrate a supply between 2.5-3 years housing land supply, which is demonstrably below the supply expected.

1.6 More broadly Policy SS3 of the Local Plan outlines that the Council will take a positive approach in accordance with the presumption in favour of sustainable development contained within the NPPF. The Policy furthers that planning applications that accord with the policies in the Local Plan (and where relevant in Neighbourhood Plans) will be approved, unless material considerations indicate otherwise. It adds that where there are no policies relevant or where relevant policies are considered to be out of date* the balance is tilted further, stating that the Council shall grant permission unless material considerations indicate otherwise, taking into account whether adverse impacts of the development demonstrably outweigh the benefits or where specific policies in the NPPF indicate that the development should not gain planning permission.

(*This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites).

1.7 In terms of The Neighbourhood Plan Policy TS4 states that development proposals for brownfield sites will be supported, providing there are no significant adverse impacts, having regard to other policies in the plan. It furthers that development of greenfield sites can have an adverse impact through the loss of green space, so will be supported where it is an allocated site within The Neighbourhood Plan or the loss is required to meet the strategic economic policies within The Local Plan.

1.8 Having considered all the relevant strategic and strategic housing policies, in terms of the question of principle, it is considered that the development is in overriding accordance with the Development Plan when taken as a whole. It is clear that there is some conflict with the Development Plan in terms of seeking 10 residential units (11% of the total number) within the Undeveloped Coast. However the level of policy conflict is substantially lessened for 3 of the 10 units which sit on previously developed land (tennis courts), and any conflict should be weighed against other material considerations such as providing a use for listed buildings and boosting housing supply, which both carry significant weight.

1.9 On balance it is concluded that the conflict is limited, due to the limited amount of the overall development that is proposed within the Undeveloped Coast, and as stated above there is a much broader level of conformity with the strategic policy ambitions contained within the Development Plan in terms of seeking housing development and the redevelopment of brownfield sites. It should also be noted that having regard to the lack of a 3 and 5 year housing land supply the development plan policies most important for determining this application, which include Policy C2, Undeveloped Coast, are out of date.

2. Design and Visual Impact

Design

2.1 Achieving good design is a central thread within government guidance and Part 12 of the NPPF “Achieving well-designed places” offers key guidance. Paras 124, 127, 129 and 130 are particularly relevant and accumulatively inform that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, that good design is a key aspect of sustainable development, and the importance of design being sympathetic to local character (built environment and landscape setting). In terms of the landscape setting of the coastal context the NPPF provides advice in Para 170 that includes planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and recognising the intrinsic character and beauty of the countryside, and maintaining the character of the undeveloped coast, while improving public access to it where appropriate. Para 130 offers that 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.

2.2 In regard to the local Development Plan Policy TH8 of the Torquay Neighbourhood Plan cites that development must be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings. This is aligned with the general design policy within the Torbay Local Plan, where Policy DE1 seeks development to be well designed, respecting and enhancing Torbay's special qualities and the character of the natural built environment including areas and building of historic interest.

2.3 As a design response to the context the apartment blocks are between 4 and 5 storeys and are located in the area of the current ‘main block’ of school buildings. The location is considered well-judged in terms of providing relatively large buildings

in the location of the existing school block as this choice of location will help limit the perceived change in the landscape setting and character of the area. In terms of the detail the arrangement of the buildings is a relatively tight triangle which seeks to contain the expansion of development across the site, which is a welcomed concept. At the same time it is appreciated that the arrangement of the blocks is looser than the existing school cluster and it is apparent that this is to influence an acceptable residential environment in terms of distances between properties. The overall proposition is considered acceptable and presents a well-considered layout. The materials of the apartment blocks are a mix of stone at the lower floor, with middle floors of copper cladding, under a top floors that are recessed to varying degrees and largely glazed. The overall design ethos is one of modernity that is engrained with natural materials and tones that seek to reflect and integrate with the landscape setting of the site and wider coastal context. The design is deemed to be well considered and would present a high quality appearance to the apartment blocks, enhanced from that of the current, somewhat ad-hoc, institutional building group. The scale of the apartments is considered acceptable in-light of the limited increase in height over the current school building, notwithstanding their somewhat elevated location.

2.4 In regard to the new-build dwellings the 7 dwellings fronting the coastal meadow are to a more domestic scale. This chosen scale is supported in order for the dwellings to sit comfortably aside the edge of the site close to existing residential properties. The materials are natural with stone and timber elevations under grey standing seam roofs. The choice of materials is supported and will aid with setting the buildings into the landscape setting of the meadow. The arrangement with the roads on the coastal side of these properties is also considered to be a positive proposition as the openness of the frontages will provide a transition to the openness of the meadow rather than a more abrupt enclosure that often characterises the rear of residential properties. This orientation will also retain a public edge to the coastal environment which is a positive design solution in terms of the general engagement with the coast and the sense of place.

2.5 In regard to the remaining new-build properties these are interspersed within the landscaped grounds and generally have a scale of one or two storeys. The character of the properties are again modern with a natural materials palette that seeks to respond to the landscape setting. A number of these units sit on previously developed land including swimming pool and large greenhouses, which limits the degree of development within undeveloped areas of the site. The properties are well-spaced and through a combination of their limited scale and quality of materials, present suitably detailed infill units which would have little impact on the character of the site and wider area, thus protecting the character of the wider Urban Landscape Protection Area that spreads north-west to include Ilsham Meadow.

2.6 The final grouping of development is the historic quarter, which seeks a degree of demolition, extension and change of use of a number of listed buildings to form 7 dwellings. The concept is to provide a relatively enclosed group that holds its own identity built on the character of the historic buildings, contrasting from the modernity of the wider development. The enclosed courtyard approach is supported as a concept, as is the separation of the access from the wider development off the main access route. The design approach is considered successful and is supported.

2.7 When considering the proposal as a whole the scheme is considered well detailed and takes demonstrable steps to provide a high quality development that responds positively to the sensitive coastal context, the verdant inland slopes within the site, and the sites heritage assets. As such the proposal is considered substantially in accordance with design and heritage policies contained within the Development Plan and guidance contained within the NPPF.

Visual Impact

2.8 The proposals have been revised and amended since the pre-application stage and since the submission of an earlier application submitted in 2018 (P/2018/0472) in order to seek to overcome concerns over the extent of development within the site and particularly within the Undeveloped Coast, and the resultant visual impact of this.

2.9 The extent of development within the Undeveloped Coast has been reduced to 7 detached properties aligned along the southern boundary within the lower section of the site and close to established residential properties in the area. As previously discussed a proportion of Apartment Block B also sits in the Undeveloped Coast (20% of the building footprint). Proposals also remove the two sections of hardstand and lighting that currently sit within the open meadow and Undeveloped Coast which are presently detracting elements of previous development within the Undeveloped Coast.

2.10 The application is supported by a Landscape and Visual Impact Assessment which seeks to establish the extent of the effect of the proposals on landscape and visual amenity of the site and the surrounding landscape and townscape. Special attention has been paid in this assessment to the parts of the site covered by the Undeveloped Coast policy and the visual representation of the development proposed in these areas, which is welcomed.

2.11 The submitted Landscape and Visual Impact Assessment concludes that the proposal, as revised and reduced, has the potential to regenerate the area of the former Stoodley Knowle School while keeping the impact on the landscape and visual amenity to a minimum by the use of high quality design and the retention of the existing vegetation. The visual impact of the scheme is discussed below.

2.12 The apartment blocks are substantial but it is deemed that their wider visual impact will be limited due partly to the existing visual prominence of the current school block, the quality of materials and palette that appears to successfully break down the massing of the buildings whilst offering muted tones that respond more successfully to the context than the existing buildings, and the extent of immediate tree growth and the wider topography of the area. The impact from Ilsham Road will be limited with the additional height countered by the improved materials, presently a somewhat neutral impact. The visual impact from the south-east, where there are views across from Bishops Rise for example, will again present a relatively muted impact for similar reasons in terms of improved materials countering the slightly increase in scale. In regard to the views from the north around Walls Hill, a prominent public area, the land levels and vegetation will screen the development and hence there will be no apparent public views of the apartments. There has been some discussion about potential impact of light spill from the upper floors and the agent has submitted detail on glass Frits as a measure to limit the impact of internal lighting. This is welcomed however it

is recommended that the matter is scrutinised in more detail with an appropriately worded planning condition attached to the grant of planning permission, together with a no external lighting condition.

2.13 In regard to the new-build dwellings along the southern border of the site these as low-level domestic scaled buildings that sit aside the existing edge of residential plots. Their containment close to the southern border will retain the broader landscape setting and their location together with their scale will present a form of development with limited impact upon the character of the area.

2.14 In regard to the historic quarter the development proposals will have no demonstrable visual impact with areas of new-build countered by some demolition of existing extensions/buildings.

2.15 In regard to development closer to Ansteys Cove Road the walled gardens dwellings are suitably scaled and formed and would not demonstrably alter the verdant character of the wooded inland slopes. The limited level of infill is hence considered acceptable and would maintain the sites contribution to wider Urban Landscape Protection Area.

2.16 When considering the proposal as a whole the scheme is considered well detailed and takes demonstrable steps to provide a high quality development that responds positively to the sensitive coastal context, the verdant inland slopes within the site, and the sites heritage assets. As such the proposal is considered substantially in accordance with landscape and visual impact aspirations of relevant policies contained within the Development Plan and guidance contained within the NPPF.

3. Heritage Impacts

3.1 In terms of the local Development Plan Policy TH10 of the Torquay Neighbourhood Plan cites that alterations to Listed Buildings will be supported where they safeguard and enhance their historic qualities and elements according to their significance. In doing so, proposals which at the same time contribute to providing a sustainable economic future for such buildings will be particularly supported. In regard to the Torbay Local Plan it guides that development proposals should have special regard to the desirability of preserving any listed building and its setting (Policy HE1), and Policy SS10 requires development to sustain and enhance assets which make an important contribution to Torbay's built and natural setting, and furthers that all heritage assets should be conserved, proportionate to their importance.

3.2 The NPPF guides that when considering the impact of a proposed development on the significance of a designated heritage asset, that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (Para 193). The NPPF further states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (Para 194). It guides that where a development proposal will lead to less than substantial harm to the significance of a

designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Para 196).

3.3 The policy landscape above accords with and is aligned to the duties for decisions as laid out within the Planning (Listed Buildings and Conservation Areas) Act 1990 c.9 para 66, where decisions shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

3.4 In regard to designated heritage assets there are a number of listed buildings arranged within a tightly knit group towards the southern boundary of the site. The building group includes the Ilsham Manor Oratory, a small three-storey building with a Grade II* Listing status, the outbuildings to northwest of the Oratory, which are Grade II Listed, and the outbuilding to southeast of the Oratory, which are again Grade II Listed.

3.5 This scheme has been the subject of considerable negotiations over a long period which commenced at pre-application stage and included the consideration period of an earlier application submitted in 2018, and continued through the consideration period of this application.

3.6 The application includes an assessment of heritage (including archaeology) which suitably considers all of the designated and non-designated heritage assets on the site and their setting where appropriate. The impact on some of the settings have been more recently explored through the submission of illustrations of before and after viewpoints, which sought to address comments made by Historic England.

3.7 The proposed development is extensive and will serve to change the character of the site however, in doing so the proposals removes elements which are unsympathetic and involves a mixture of new build of a contemporary style and the conversion and re-use of existing buildings on the site. It is concluded that whilst providing a new context for the heritage assets the proposals are well considered and are of high quality and strikes a suitable balance which will help to restore the site back to an economic use and ensure that the heritage assets have a sustainable future, or at the very least are repaired to enable a reuse to be found in the longer term.

3.8 The settings of the heritage assets was a concern expressed by Historic England, however additional material has been supplied by the applicant and considered by the Authority's interim heritage advisor, who concluded that whilst the setting will change it has been handled with care to ensure that the impact is limited.

3.9 In conclusion it is considered that the scheme, in terms of heritage impacts, delivers a suitable balance where the overall outcome in terms of heritage are potentially neutral or fall within the less than substantial harm category. If the cautious view is taken Para 196 of the NPPF provides guidance in that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*". As detailed within this report there are demonstrable benefits that would arise from the proposal, principally through the reuse of previously developed land and the provision of housing.

3.10 Any grant of planning permission should be subject to such as detailed materials and finishes. In addition in regard to Archaeology a condition should be attached to secure a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest.

3.11 The above conclusion has taken account of the statutory duty under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 c.9 para 66, where decisions shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

4. Residential Amenity

4.1 The NPPF guides (Para 127) that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy DE3 of the Torbay Local Plan states that all development should be designed to provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding occupiers. The Torquay Neighbourhood Plan is largely silent on the matter of amenity.

Future occupiers

4.2 In respect of future occupiers the internal living spaces are generously scaled and accord with the minimum space standards outlined within Policy DE3 of the Torbay Local Plan. The units also all benefit from adequate outlook and will receive adequate levels of natural lighting to key living spaces. In regard to outdoor amenity space the dwellings are all afforded generous gardens that exceed the 20sqm expected within the Torquay Neighbourhood Plan and the 55sqm stated within the less recent Torbay Local Plan, and hence there is no conflict with either standard. The exceedance would appear reflective of the edge of settlement and landscape dominated character so are supported, with no concern on potentially managed “under-development” of the site. In regard to the apartments a number are afforded private outdoor space through terraces and balconies, which is a provision aside the wider use of the retained meadow and other landscaped areas around the building and to the north of the site. The Development Plan seeks a minimum of 10sqm per flat/apartment which can be provided individually or communally. The amenity space proposition for the apartments is considered to accord with policy guidance with extensive amenity space within the site retained for use together with various units being afforded some private space. The use of the meadow as amenity space should be secured by a planning condition to ensure this additional provision is provided and maintained for recreational purposes.

4.3 In light of the above the overall residential environment for future users is considered to be of high quality, in accordance with Policies DE1 and DE3 of The Local Plan and guidance contained within the NPPF.

Adjacent Occupiers

4.4 In respect of neighbouring amenity the relationship across the southern border is the key point where a number of properties sit adjacent.

4.5 In regard to the proposed access it is considered that the impact of vehicular traffic using the main route into and out of the site is unlikely to present any demonstrable impact upon adjacent occupiers. The use of the site for residential purposes presents a form of use that is compatible with the adjacent plots and general residential character of the area, which in certain ways will be less impacting than the previous education use for the site.

4.6 In regard to the residential element of the development the two dwellings to the east of the access point (plots 11 and 12) have been revised in order to address concerns on the potential overlooking into adjacent plots, as although the buildings are set at an oblique angle they are set in relatively close proximity to the joint border and are on higher ground. The revisions, which remove the rear-facing upper floor gallery window and the rear-facing balcony below is considered to adequately address the concerns where there is also a substantial tree lined border. To the west of the access point the 5 properties (plots 6-10) are considered suitably distanced from the 3 dwellings the sit to the south of the existing shared road, where they are set between 14-19m from the front of the adjacent plots and around 22-29m from the buildings. The distances are considered adequate to protect the amenity of the adjacent occupiers in terms of the created back-to-front relationship that it would create across a road. To the south of the same 3 dwellings the works to the historic quarter are also considered to have a limited impact upon amenity afforded occupiers due to the limited extent of change to the scale and form of buildings in this particular area of the site. In regard to the proposed Tithe Barn although the building is in relatively close proximity to the adjacent residential plot, where it faces the end section of the rear garden, the likely relationship is not considered unacceptable as the existing high hedge, that looks in good order, presents a significant screen to the rear garden. Further south the historic quarter will not present any form of sensitive development to the 'outward' face of the site to properties adjacent, where the development proposes to largely utilise existing buildings and proposes some significant demolition that reduces the extent of development in this location. The final building that is proposed to the southern border near to properties is a new build dwelling that will be served off Ilsham Close. This building is set within generous grounds and would not impact the level of amenity afforded neighbouring occupiers.

4.8 To conclude, for the above reasons the proposed residential environment would appear adequate and the development would not unduly impact the level of amenity afforded neighbouring occupiers, which presents development that accords with Policies DE1 and DE3 of The Local Plan and guidance contained within the NPPF.

4. Movement, Highway Safety and Parking

4.1 Para 108 of the NPPF guides that when assessing developments it should be ensured that (a) appropriate opportunities to promote sustainable transport modes can be (or have been) taken up, given the type of development and its location; (b) safe and suitable access to the site can be achieved for all users; and (c) any significant impacts from the development on the transport network (in terms of capacity and

congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Para 109 of the Framework confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.2 In regard to the local Development Plan Policy TA2 of the Torbay Local Plan states that all development should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. For major developments this means that a good standard of access for walking, cycling, public and private transport should be provided. Policy TA3 and Appendix F of the Torbay Local Plan provides key policy guidance for parking within development with houses having an expected requirement of 2 spaces per dwelling and apartments of 1 space, with some degree of visitor parking. There is further advice on the provision of disabled parking and electric charging points. The Neighbourhood Plan supports levels of car parking aligned with those outlined within The Local Plan through Policy TH9.

4.3 In regard to access and general movement the development seeks to utilise the existing eastern-most access off Ilsham Marine Drive as the sole vehicular access, with the nearby access off Ilsham Close utilised solely for one of the dwellings, and the access off Anstey's Cove Road used for pedestrians and cyclists and to act as an a secondary emergency access. There is a degree of local concern regarding the use of the lane as the point for vehicular access however the highway authority have not raised a concern on this matter. With support from the highway authority and considering that the previous use of the school would have generated a demonstrable level of traffic movement into and out of the site, including some substantial peaks in traffic due to the nature of school movement patterns, the general access arrangement is considered acceptable. It is noted that the highway authority did request some works to the junction to improve the surfacing and delineation of the highway and junction, and that these improvements have been secured via revised plans. There are 2 pedestrian access points with a footpath provided adjacent to the main vehicular access that will serve the development off Ilsham Marine Drive and a secondary dedicated foot and cycle access off Ansteys Cove Road. This level of connectivity is considered acceptable for non-car modes of travel and will also provide a second access for emergency vehicles. Considering policy aspirations to promote sustainable modes of transport it is recommended that a revised and updated Travel Plan and Implementation Strategy with SMART targets is secured via a planning condition to seek to meet Policy TA2 requirements (30% modal shift to foot, cycle and public transport), which should include appropriate mitigation measures should the targets not be met.

4.4 In regard to internal movement within the site generally for development of this scale the local highway authority would seek that the roads and footpaths are built in full accordance with the Torbay Highway Design Guide for New Developments, in order to enable the progression of an adopted road layout. In this instance there has been extended discussion over the course of the application, the previous application and the earlier pre-application, in regard to how a less engineered, visually softer, road design could be delivered to benefit the coastal setting in terms of limiting the visual impact of the roads and other aspects, such as street lighting. The current

road/footpath layout, which has been amended to secure improved designated pedestrian movement adjacent to the main access road for the development, is considered a positive solution to align with the coastal environment with low level street lighting, whilst securing a scheme that would not result an unacceptable impact on highway safety. The highway authority do not object to the solution but have advised that they would not adopt the road network. In terms of responding to a non-adopted network it is considered necessary to secure by condition that the network be built to adoptable standards where possible, and to secure details of ongoing management and maintenance in order to safeguard the residential environment in the longer term, where the highway authority will not be responsible for the upkeep of the roads. In addition a non-adopted road network will also present a knock-on effect on waste collection and a private collection service will be required as the local authority will not collect from new development where the roads are not adopted. It will hence be necessary to secure by planning condition a waste management plan indicating recycling and waste collections methods in the absence of agreement to adopt the roads.

4.5 In regard to parking facilities all dwellings are provided with at least 2 car parking spaces, which is compliant with the expectations outlined within the Torbay Local Plan and the Torquay Neighbourhood Plan. In regard to the 68 apartments there are 93 parking spaces located in-and-around the three blocks, which also serve the 2 dwellings within the adjacent converted villa building. The level of parking accords with the 1:1 parking expectation whilst providing a generous level of overspill / visitor parking. In order to provide clarity on visitor parking it is suggested that a planning condition should ensure that all parking beyond the policy expectation should be demarked as visitor parking and that 2 spaces be allocated for each of the dwellings contained within the adjacent villa. In regard to the form of parking the Local Plan seeks a parking provision for disabled persons of up to 10% in development. The proposed layout shows 3 disabled parking spaces and this has not been raised as an unaccepted level by highway colleagues. Notwithstanding this position it is considered that the currently provision is relatively limited to duly service both occupiers and visitors that may require the use of larger disabled parking spaces. In light of this it is considered pertinent to apply a planning condition seeking a detailed parking plan for disabled spaces that adequately serves both occupiers and visitors. This is expected to increase the demarked provision of spaces and potentially focus the provision on unallocated spaces. In terms of other specialised parking services the local plan seeks that new flatted development should deliver 20% of available spaces with electric charging facilities. This aspiration should be delivered through a planning condition.

4.6 Considering the points above, and having regard to guidance contained within the NPPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (Para 109), the proposal is considered acceptable on highway and movements grounds, and in accordance with the Policies TA2 and TA3 of The Local Plan, Policy TH9 of The Neighbourhood Plan, and guidance contained within the NPPF, subject to the conditions discussed above.

5. Ecology & Biodiversity

5.1 Policy NC1 of the Torbay Local Plan seeks for development to duly consider biodiversity and take opportunities for enhancement, proportionate to the context and development. Policy TE5 of the Torquay Neighbourhood Plan cites that where there may be an impact development should be accompanied by an assessment of impacts upon any existing protected species or habitats and as necessary provide mitigating arrangements in order to protect and enhance those species and habitats. Guidance within the NPPF provides similar guidance to the above in that planning decisions should contribute to and enhance the natural and local environment and includes guidance towards minimising impacts on and providing net gains for biodiversity (Para 170).

5.2 In regard to context the site is close to the Lyme Bay and Torbay Special Area of Conservation (SAC), which is a marine designation of international importance, and also the Torbay Marine Conservation Zone (MCZ), again a marine designation but one which is of national importance. Further to these marine environments the Hope's Nose to Wall's Hill Site of Special Scientific Interest (SSSI) runs adjacent to the northern boundary of the Site and comprises of a coastal habitat that is again of national importance. In regard to the site itself there are two *Other Sites of Wildlife Interest* (OSWI) which are of local importance which are principally based around the woodland habitat within the north-western corner of the site and woodland at the eastern edge of the site, away from the development areas proposed.

5.3 In terms of relevant supporting information the application is accompanied by an ecological assessment that has been informed by various targeted ecology surveys. The application is also supported by a shadow Habitat Regulations Assessment (HRA) and Shadow MCZ Assessment that seeks to address likely significant impacts on the somewhat interconnected international and national designated marine environments near to the site.

5.4 In regard to potential impact upon the adjacent marine-based SAC the council has undertaken the necessary HRA in consultation with Natural England, which has concluded that there would be no likely significant effect subject to appropriate mitigation being secured. The mitigation includes measures proposed by the applicant within the submitted ecology reports and drainage strategy re the implementation of the submitted CEMP (Ecology) (Green Ecology, 2020a) and LEMP (Green Ecology, 2020b), together with a proposed Mitigation Payment, secured on a per dwelling basis. This would be secured towards the appropriate management of cumulative recreation impacts to ensure development will not adversely affect the SAC integrity. It is proposed the payment will be secured by legal agreement and set at a £90 per dwelling contribution towards mitigating the impact of increased recreational pressures on Lyme Bay and Torbay SAC. The payment, as concluded within the MCZ Assessment, would also mitigate potential recreational impacts upon the MCZ, which has some related features to the SAC. This is also supported by Natural England following consultation on the Council's assessment.

5.5 In regard to the adjacent SSSI Natural England in its consultation of 27 April 2020 offered no objection with regard to National Sites subject to appropriate mitigation being secured. The Council's ecology advisor has considered these comments aside the supporting ecological information and advised that the mitigation

outlined within the Ecological Impact Assessment would duly address the issue, which should be secured by appropriately worded planning conditions.

5.6 In regard to the local designations and broader ecology issues the submitted ecological assessment, and proposed construction and management measures, include a list of mitigation measures to address broad ecology impacts. These measures include tree protection measures, the planting of over 100 new trees, the creation of species rich grassland and hedges, compensatory bat roosts and additional bat boxes beyond these, and bird boxes as physical measures beyond sensitive lighting, construction and operational measures to limit any impact on ecology. The Council's ecology advisor has considered the broader ecology impact and supports the proposed mitigation in order to duly manage the broader ecology impacts of the development.

5.7 Having considered the submitted assessments, subject to the recommended conditions and financial mitigation outlined within the Council's HRA and MCZ Assessment, and the broader conditions to address wider ecology aspirations, the development is considered acceptable on ecological and biodiversity grounds for the reasons stated above, in-line with the aspirations of Policies NC1 and C4 of The Local Plan, the Torquay Neighbourhood Plan, and advice contained within the NPPF.

6. Flood Risk and Drainage

6.1 National guidance contained within the NPPF cites that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere (Para 163). It also guides that Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (Para 165).

6.2 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, which is aligned with guidance contained within the NPPF. In regard to foul waters Policy ER2 of the Local Plan includes reference that development proposals should provide appropriate sewage disposal systems with separate foul and surface water, which seek to use sustainable measures and reduce water being discharged into shared sewers. The Torquay Neighbourhood Plan is principally silent on drainage in terms of direct policy guidance

6.3 In regard to context the site sits in an area with a low risk (Flood Zone 1) of flooding, however it does sit within a Critical Drainage Area as designated by the Environment Agency.

6.4 A Flood Risk Assessment and detailed drainage proposal has been submitted to support the application and identifies that surface water drainage from this development will be dealt with using a number of different techniques, including communal soakaways, attenuation ponds and a controlled discharge to a combined sewer off the site.

6.5 The Council's drainage engineer has considered the drainage proposals in

detail and following the receipt of further information in April 2020, which followed a number of issues raised in terms of absent information, the subsequent revised surface water drainage details are considered acceptable.

6.6 Providing the surface water drainage is constructed in accordance with the latest drawings and the submitted hydraulic modelling, there is no objections to planning permission being granted for this development. The proposal is for the reasons above considered in accordance with Policies ER1 and ER2 of The Local Plan and advice contained within the NPPF.

7. Other Considerations

Viability

7.1 The development appraisal shows a developer's profit which is lower than the market norm. For a scheme of this nature it is generally expected for the profit to be at the higher end, partly to counter the greater risks associated with larger proposals. The independent viability appraisal concluded that the profit would have to increase significantly before it reaches the threshold where contributions, such as affordable housing, could begin to be justified on grounds of viability.

7.2 The conclusions of the independent viability appraisal appears to suggest that the amount of development sought is necessary, and thus that the degree of incursion into the Undeveloped Coast is necessary in order to present a viable scheme.

7.3 To resolve the policy tension previously outlined within this report by seeking no development within the Undeveloped Coast it would appear necessary for any subsequent scheme to present a greater degree of development elsewhere within the site. This would possibly result in a denser scheme, and/or one that would possibly require additional height in terms of the apartment blocks. Either of these options are likely to present their own issues in terms of resolving an acceptable form of development within what is a relatively sensitive site.

7.4 The conclusions of the viability assessment should be considered as a material consideration in terms of forming a balanced view on the scheme as whole, which includes a degree of development coming forward within the Undeveloped Coast in conflict with Policy C2 of the Torbay Local Plan.

Housing Supply

7.5 The Council cannot currently demonstrate a 3 or 5 year housing land supply, as sought by Government, and the proposal will help with the delivery of housing with a form of development that is considered to accord with the Development Plan when considered as a whole. As stated within this report the development is largely proposed on previously developed land and land within the built up area.

7.6 Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development, which means approving development proposals that accord with an up-to-date development plan without delay.

7.7 The provision of housing is a significant benefit within the planning balance, certainly in light of the current published position where the Authority can only demonstrate between a 2.5 - 3 year supply, which is a significant shortfall.

7.8 It is concluded that there is some discordance with the Development Plan however this discordance is considered limited when the Development Plan is considered as a whole. Were this judgment different and the proposal considered to conflict with the Development Plan it should be noted that the absence of a 5 year housing supply principally sets a higher benchmark to resist development. Development Plan policies most important for determining the application are also considered to be out of date. In such a circumstance development should only be refused where any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. As offered in this report any harm is considered limited and thus the adverse impacts are not significant and demonstrable in this context, and the tilted balance in favour of granting permission should apply.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn:

The Economic Role

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development.

Once the dwellings were occupied there would be an increase in the level of disposable income from the occupants some which would be likely to be spent in the local area and an increase in the demand for local goods and services.

There are no adverse economic impacts that would arise from this development

In respect of the economic element of sustainable development the balance is considered to be in favour of the development

The Social Role

The principle social benefit of the proposed development would be the provision of additional housing. Given the NPPF priority to significantly boost the supply of housing the additional dwellings to be provided must carry significant weight in this balance.

In addition to the above the proposal delivers viable future uses and future management (The Oratory) for a number of listed buildings, which are designated heritage assets. The heritage value of this is considered a social benefit.

Impacts on neighbour amenity have been discussed above where it is concluded that it would be possible to develop this site as proposed without significant harm to residential amenity.

On balance, the social impacts of the development weigh in favour of the development

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on the landscape in particular the Undeveloped Coast, ULPA; ecology and bio-diversity and surface and foul water drainage. These matters are considered in detail above.

The environmental benefits identified are either marginal in the case of any biodiversity net gain or essentially mitigation as in the case of any landscape/ecological measures to be applied to the development. Moreover, those 'benefits' have to be set against the loss of an area of open greenspace, leading to a change in the local environment and landscape. These impacts are not considered to be significant however.

The proposed development is in a sustainable location inasmuch as it borders and forms a part of the existing urban area and is located in close proximity to local amenities and good public transportation links.

It is concluded that the environmental impacts of the development weigh neutrally within the planning balance.

Sustainability Conclusion

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

Local Finance Considerations

S106:

Affordable Housing

Policy H2 of the Torbay Local Plan identifies that development of brownfield sites for schemes of 20+ dwellings should deliver an affordable housing target of 20%, and that the development of greenfield sites for schemes of 30+ dwellings should deliver an affordable housing target of 30%. The development is principally delivered on the brownfield part of the site with only 4 dwellings delivered on greenfield land.

Following an independent viability assessment it has been concluded that the development cannot justify affordable housing contributions on the grounds of viability. It was noted that as this site is located in a particularly sought after residential area it is suggested that the authority consider a deferred contributions mechanism, secured via a s.106 agreement, to ensure that developer contributions could be collected if the sales values are higher than that recorded in the viability appraisal.

In terms of progressing the above in-line with government guidance credit (i.e. reduction) against the affordable housing should be given by the authority for the existing vacant floor-space. In accordance with the viability assessors conclusions

and recommendation, towards establishing a deferred obligations clause within a legal agreement to enable a review of the scheme's financial ability to deliver affordable housing, it is further recommended that any such deferred obligations clause presents an adjusted upper limit for any retrospective delivery of affordable housing payment, responding to the appropriate level of *Vacant Building Credit*.

Ecological Mitigation

In regard to potential impact upon the adjacent marine-based SAC and MCZ a Mitigation Payment, secured on a per dwelling basis, towards appropriate management of cumulative recreation impacts to ensure development will not adversely affect SAC integrity or MCZ. It is proposed the payment will be secured by legal agreement and set at a £90 per dwelling contribution towards mitigating the impact of increased recreational pressures on Lyme Bay and Torbay SAC, towards Torbay Coasts and Countryside Trust's Coast Wise Initiative or other such scheme that would secure the necessary level of mitigation as may be identified.

Sustainable Development Obligations

Major development that is not CIL Liable (as in this case) should be subject to the provisions of the Councils Planning Contributions and Affordable SPD in order to deliver necessary mitigation in terms of community infrastructure. The SPD outlines obligations towards the following;

- Greenspace and Recreation
- Sustainable Transport
- Education
- Lifelong Learning
- Waste and Recycling

As discussed above the development has been subject to an independent viability assessment that has concluded that there a substantial gap in terms of the current profitability level and the level where affordable housing or other obligations could be secured. In regard to addressing this issue it is proposed, similar to the affordable housing provision, that deferred obligations clauses for the matters above should be secured within any accompanying S106 to a policy compliant level. It is noted though that the SPD states a priority towards securing affordable housing and hence any such legal agreement will be tiered with affordable housing obligations sought prior to Sustainable Development matters.

CIL: The development would not be CIL liable. The site sits within CIL Charging Zone 3 and residential schemes of 15 or more dwellings within Charging Zone 3 will not be charged CIL.

EIA/HRA

EIA:

The local planning authority is required to determine whether a project is of a type listed in Schedule 1 or Schedule 2 of the 2017 Regulations. If the development is listed in Schedule 1 an Environmental Impact Assessment is required in every case.

If the development is listed in Schedule 2, the local planning authority should consider whether it is likely to have significant effects on the environment.

The development is listed in the first column in Schedule 2 of the 2017 Regulations as an urban development project (10b) and it exceeds the relevant thresholds and criteria in that the overall area of the development exceeds 5 hectares. The project therefore needs to be screened by the local planning authority to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required.

The screening concludes that 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:

A Habitat Regulations Assessment / Appropriate Assessment has been carried out for this development on consultation with Natural England.

It is concluded that the proposed development is unlikely to have a significant effect on the South Hams SAC or the Lyme Bay and Torbay SAC. Due to the proximity of the development to the coastline and the marine environment of the Lyme Bay and Torbay SAC it is concluded that mitigation to respond to additional recreational pressures should be secured. Natural England have been consulted and concur with the Council's conclusions. A Payment of £90 per dwelling is proposed.

Due to the scale, nature and location this development will not have significant effects on the South Hams SAC or Lyme Bay and Torbay SAC, subject to the conditions proposed in this report and subject to securing the proposed mitigation measures.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme in terms of addressing the Development Plan aspiration to provide housing would produce a significantly positive impact overall and help with the supply of much needed housing. As the Council cannot currently demonstrate a 5 year housing land supply the supply of housing should carry significant weight. There is a degree of conflict with Policy C2 in terms of providing residential development within the Undeveloped Coast, however this conflict should be balanced with the significance of any impact, which is considered minor when considering the amount of development, its location within the less sensitive areas of the site, and also the level of screening present from the wider landscape and topography of the area. This presents development with limited harm. With this conflict and harm considered to be limited aside a broader level of harmony with the Development Plan, and the NPPF when considered as a whole, it is deemed to provide a proposal that is acceptable on balance.

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.

Proactive Working

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.

In this instance substantial amendments have been secured prior to the submission to reduce the extent of development within the Undeveloped Coast in order to reduce its resultant impact upon the coastal setting, together with securing additional information to address concern regarding potential impact upon the setting of the listed buildings, and design changes to improve the level of retained amenity on the southern border to the east of the access. It is now concluded that this application is now acceptable for planning approval.

Conclusions and Reasons for Decision

The proposal is considered to present an acceptable redevelopment of a defunct school site with a well-considered layout and form of development that limits any resultant impact upon the coastal context and landscape character.

The form of the development and the choice of materials and supporting landscaping will present of high quality development that responds to the design aspirations of the Development Plan and the NPPF.

There would be no unacceptable impacts upon the highway safety or neighbour amenity, and ecological mitigation has been established to ensure that there are no undue impacts or significant effects upon designated habitats, subject to securing adequate mitigation through the use of planning conditions and through securing financial mitigation as identified.

Although the site is not identified for housing within the Development Plan the provision of housing is considered an acceptable use where there is an established residential character adjacent. In addition in light of the Council's current shortfall in terms of its 5-year housing land supply the housing provision also presents significant benefits in terms of housing provision, which carries significant weight in favour of the application.

As detailed within the report there is a degree of discordance with the Development Plan in terms of some encroachment into the Undeveloped Coast. However as discussed in the report there is viability evidence that supports that the amount of development currently proposed is necessary to secure a viable scheme. This evidence supports a positive consideration of the proposal, as a necessary element to bring forward the wider and substantially significant benefits of housing supply, redevelopment of a brownfield site, and securing viable uses and future management of numerous heritage assets. Importantly in the balancing exercise and as detailed in the report the encroachment within the Undeveloped Coast is not expected to result in significant impacts in terms of the wider landscape setting. In the circumstance therefore, notwithstanding this discordance, there is for the reasons stated within this report a much broader level of accord with the Development Plan that Members should consider as part of the balancing exercise.

Officers consider the impact of some development within the Undeveloped Coast does not warrant refusal of the application. Having regard to the lack of 5 year housing land supply Policy C2 of the Torbay Local plan which seeks to protect the Undeveloped Coast is out of date so carries limited weight.

In-line with the above conclusions and the detail contained within this report the proposals are considered to be in general accord with the provisions of the Development Plan. The NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay. In the absence of material considerations that weigh sufficiently against the proposal the Officer recommendation is one of approval, subject to suitable conditions and S106 Legal Agreement.

Officer Recommendation

Approval: Subject to;

1. Planning conditions as outlined within the report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency and;
2. The completion of a S106 Legal Agreement to secure a review of Affordable Housing provision and other identified obligations, to include the provisions outlined within the report on terms acceptable to Officers.

With the resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director responsible for Planning, including the addition of any necessary further planning conditions or obligations.

Proposed Conditions:

Construction Method Statement

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local planning

authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works, with priority given to reuse of building materials on site wherever practicable.
- h) Measures to minimise noise nuisance to neighbours from plant and machinery.
- i) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of highway safety and local neighbour amenity, in accordance with Policy TA2 and DE3 of the Torbay Local Plan 2012- 2030. This pre-commencement condition is required to ensure that neighbour amenity is duly protected.

Written Scheme of Investigation

No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure, in accordance with Policy SS10 of the Torbay Local Plan 2012 - 2030 and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development. This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

CEMP

The development shall proceed in full accordance with the submitted and approved Construction Environmental Management Plan (Green Ecology, March 2020).

Reason: In order to protect ecology and designated ecological sites in accordance with to accord with Policies ER1, ER2, NC1, SS8 and C2 of the Torbay Local Plan 2012-2030 and guidance contained in the NPPF.

LEMP

The development shall proceed in full accordance with the submitted and approved Landscape and Ecological Management Plan (Green Ecology and Redbay Design, March 2020);

Reason: In order to protect the visual character of the area, ecology and designated ecological sites, in accordance with to accord with Policies C2, ER1, ER2, NC1 and SS8 of the Torbay Local Plan 2012-2030 and guidance contained in the NPPF.

Ecology Mitigation Measures

The development shall proceed in full accordance with the submitted and approved Ecological Impact Assessment (Green Ecology, 27 February 2020)

Reason: In order to protect ecology and to secure necessary mitigation to accord with the aims for biodiversity enhancements, in accordance with Policies NC1 and SS8 of the Torbay Local Plan 2012-2030 and guidance contained in the NPPF.

Woodland Management

The development shall proceed in full accordance with the submitted and approved Woodland Management Plan (Advanced Arboriculture; Dated 24TH September 2019).

Reason: In order to protect the visual character of the area and ecology, in accordance with Policies C4, NC1 and SS8 of the Torbay Local Plan 2012-2030 and guidance contained in the NPPF.

Tree Protection

Prior to the commencement of development a Tree Protection Plan and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The detail shall make reference to (but not be limited to) to pre-commencement site meeting, signing on of contractors onto the AMS, use of root protection surfaces, and site monitoring timings and include details on services/utilities. The approved detail shall be adhered to throughout the construction phase of the development.

Reason: In order to ensure against harm to mature trees within the vicinity of the development either directly or to their rooting system, in accordance with Policy C4 of the Torbay Local Plan 2012-2030. These details are required prior to commencement to ensure protection measures are in place prior to potential harmful construction traffic and works commencing on site.

Landscaping

Prior to the first occupation of the development hereby permitted full details of all proposed soft landscaping shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual character of the area and undeveloped Coast in accordance with Policies DE1 and C2 of the Adopted Torbay Local Plan 2012-2030.

Landscape implementation

All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding season following the occupation of the buildings, 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.

Reason: To secure an appropriate form of development in accordance with Policies NC1, C4 and DE1 of the Torbay Local Plan 2012-2030.

Drainage

Prior to the first occupation of any dwelling the surface water management system serving that dwelling shall be provided in full, in accordance with the submitted surface water drainage strategy submitted on the 23rd April 2020 and plans reference PDL-101 Rev F, PDL-102 Rev B, PDL-103 Rev A and PDL-104 Rev B, unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority. The surface water drainage system shall be maintained as such for the lifetime of the development.

Reason: In the interests of adapting to climate change and managing flood risk, and to ensure no significant effect on protected marine sites, in order to accord with Policies ER1, ER2, SS8 and NC1 of the Torbay Local Plan 2012-2030 and guidance contained in the NPPF.

Highways 1

Construction of the internal roads and footpaths within the internal layout shall be in accordance with the Torbay Highways Design Guide for new developments where possible.

Reason: To ensure highway safety is not impaired, in accordance with Policies TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030.

Highways 2

Prior to the first occupation of the development a Road Management Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall seek to ensure that there is an appropriate scheme of maintenance and which ensures a minimum clear way is maintained at all times for delivery and emergency vehicles.

Reason: To ensure highway safety is not impaired, in accordance with Policies TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030.

Highways 3

In the absence of an agreement between the developer and the Council as Highway Authority under Section 38 of the Highways Act 1980 for the adoption of the estate roads prior to the first occupation of the development, a Waste Management Plan indicating recycling/waste collection methods shall be submitted to and approved in writing by the Local Planning Authority. Any approved Waste Management Plan shall be implemented in full at the first point of occupation of the development and sustained at all times thereafter to deliver the necessary waste collection and recycling services to serve the development.

Reason: To ensure satisfactory waste collection services in accordance with Policies W1 and W2 of the Torbay Local Plan 2012-2030.

Highways 4

Prior to the first occupation of the development a revised and updated Travel Plan and Implementation Strategy with SMART targets to seek to meet Policy requirements of 30% modal shift to foot, cycle and public transport), with appropriate mitigation measures should these targets not be met, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure sustainable travel modes are duly promoted, in accordance with Policies TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030.

Highways 5

Prior to the first occupation of the development the required minor alterations to the access onto the public highway shall be agreed and implemented under an appropriate licence from the Highway authority.

Reason: To ensure highway safety is not impaired, in accordance with Policies TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030.

Parking provision 1

Prior to the first occupation of any dwelling the parking facilities hereby approved to serve that dwelling shall have been provided in full. These elements shall thereafter be retained as parking facilities for the life of the development.

Reason: In accordance with highway safety and amenity, and in accordance with Policy TA3 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan.

Parking provision 2

Prior to the first occupation of the apartments the parking spaces hereby approved (including the approved disabled space and charging points approved pursuant to separate conditions) and the manoeuvring areas have been provided in full. These elements shall thereafter be retained for the use of the associated dwellings for the life of the development.

Reason: In accordance with highway safety and amenity, and in accordance with Policy TA3 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan.

Parking 3

Notwithstanding plans hereby approved prior to the first occupation of the apartments details for the provision of disabled parking that duly responds to the aspirations of a 10% provision shall be submitted to and approved in writing by the Local Planning Authority.

The parking spaces approved shall be implemented and made available for such use and retained thereafter for the life of the development.

Reason: In accordance with highway safety and amenity, and in accordance with Policy TA3 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan.

Parking 4

Prior to the first occupation of the apartments no less than 20% of the associated parking spaces shall be provided with electric charging facilities. The facilities shall be retained at no less than 20% at all times thereafter unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: To secure appropriate levels of electrical charging points in accordance with Policy TA3 of the Torbay Local Plan.

Cycle provision

Prior to the first occupation of any dwelling or apartment block the cycle store facilities to serve that dwelling or apartment block, as detailed within the approved plans, shall be completed and made available for the purpose of cycle storage to serve the development. Once provided, the storage arrangements shall be retained for the life of the development for such purposes.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and TA3 of the Torbay Local Plan 2012-2030.

Waste provision

Prior to the first occupation of the development the waste and recycling storage facilities, as detailed within the approved plans, shall be completed and made available for the purposes of waste storage to serve the development. Once provided, the agreed storage arrangements shall be retained for the life of the development.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and W1 of the Torbay Local Plan 2012-2030.

PD

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 2015 (or any Order revoking or revising that Order) the following forms of development are not permitted, 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;

- No additional means of enclosures,
- No additional hardstandings,
- No additional extensions or outbuildings.

Reasons: In order to protect visual amenity and the amenity of future occupiers by maintaining a satisfactory form of development in accordance with Policies SS10, C2, DE1 and DE3 of the Torbay Local Plan 2012-2030.

External Lighting:

Prior to the first use of the development an external lighting plan, which responds to the strategy outlined within the submitted preliminary lighting strategy and impact assessment (March 2020 (Redbay Design)).

The development shall proceed in full accordance with the approved lighting plan and no additional external lighting shall be incorporated within the development.

Reasons: In order to protect visual amenity and the amenity of future occupiers by maintaining a satisfactory form of development in accordance with Policies SS10, C2, NC1, DE1 and DE3 of the Torbay Local Plan 2012-2030.

Oratory Management

The development shall proceed in full accordance with the details submitted by AC archaeology in terms of protection measures during the construction phase for the Oratory (Letter Dated 18th March 2020).

Notwithstanding the detail within the letter regarding long-term management prior to the first occupation of the 'Historic Quarter' a detailed management plan for the long –term management of the Oratory shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate measures for the long-term management of the heritage asset are secured, in accordance with Policies SS10 and HE1 of the Torbay Local Plan and the Torquay Neighbourhood Plan, and NPPF.

Detailed design 1

Prior to Installation details of the following shall be submitted to and approved in writing by the Local Planning Authority;

1. A sample (physical or digital) of the proposed stone, (if the stonework is in a historical context - 2m x 2m stone panel to be provided on site for approval by the LPA; the stonework shall be laid on its natural bed and pointed in a lime mortar recessed from the outer face of the stone. Machine cut or sawn faces shall not be used.
2. A sample (physical or digital) of the proposed metal cladding,
3. A sample (physical or digital) of the proposed timber cladding, and
4. Details of all fencing and other means of enclosures including retaining walls.

The development shall proceed in full accordance with the approved detail.

Reasons: In order to protect visual character and heritage assets in accordance with Policies C2, DE1, HE1, SS10 and DE1 of the Torbay Local Plan 2012-2030, Policy TH10 of the Torquay Neighbourhood Plan and advice contained within the NPPF.

Detailed design 2

Prior to the commencement of development pertaining to the 'Historic Quarter', excluding demolition and groundworks, details of the following shall be submitted to and approved in writing by the Local Planning Authority;

1. Samples of all proposed external materials,
2. Detailed drawings of all openings, windows and doors, including materials, joinery and reveals,
3. Details of all fascias, soffits and sills,
4. Details of all pointing and pointing mix,
5. Details of rainwater goods,
6. Details of all fencing, gates and other mains of enclosures including retaining walls.

The development shall proceed in full accordance with the approved detail.

Reasons: In order to protect visual character and heritage assets in accordance with Policies HE1, SS10 and DE1 of the Torbay Local Plan 2012-2030, Policy TH10 of the Torquay Neighbourhood Plan and advice contained within the NPPF.

Schedule of Works

A full schedule of works for the 'Historic Quarter' shall be submitted to and agreed in writing with the Local Planning Authority prior to commencement of development relating to the Historic Quarter works on site. The development shall proceed in full accordance with the agreed schedule of works.

Reason: To protect visual character and heritage assets in accordance with Policies HE1, SS10 and DE1 of the Torbay Local Plan 2012-2030, Policy TH10 of the Torquay Neighbourhood Plan and advice contained within the NPPF.

Phasing

No more than 30 dwellings shall be occupied until the development and conversion of the listed buildings identified within the 'Heritage Quarter' has been completed in accordance with the approved plans, unless a specific phasing strategy for the delivery of the heritage works associated with the listed buildings has been submitted to and approved in writing by the Local Planning Authority. In the event of an approved phasing strategy the development shall accord with the approved strategy.

Reason: To secure the works to heritage assets, which are an integral element to the scheme in terms of public benefit, in accordance with Policies SS10, HE1 and C2 of the Torbay Local Plan, Policy TH10 of the Torquay Neighbourhood Plan, and advice contained within the NPPF.

Public open space

Prior to the first occupation of the development the undeveloped coastal meadow to the north of the spine road serving the development shall be made available for recreational public use and maintained for such purposes at all times thereafter.

Reason: To secure appropriate outdoor amenity space for the apartments and to improve public access to the coastal environment, in accordance with Policies DE3, DE1 and C2 of the Torbay Local Plan 2012-2030.

Development Plan Relevant Policies

SS1 - Growth Strategy for a prosperous Torbay
SS3 - Presumption in favour of sustainable dev
SS8 - Natural Environment

SS9 - Green Infrastructure
SS10 - Conservation and the historic environment
SS11 - Sustainable Communities Strategy
SS12 - Housing
SS13 - Five Year Housing Land Supply
TA1 - Transport and accessibility
TA2 - Development access
TA3 - Parking requirements
C2 - The Coastal Landscape
C4 - Trees, hedgerows and natural landscape
H1LFS - Applications for new homes_
DE1 - Design
DE3 - Development Amenity
ER1 - Flood Risk
ER2 - Water Management
W1 - Waste management facilities
NC1 - Biodiversity and geodiversity

TS1 - Sustainable Development
TS4 - Support for Brownfield and Greenfield development
TH8 - Established architecture
TH9 - Parking facilities
TH10 - Protection of the historic built environment
TT2 - Change of Use in Conservation Areas and Listed Buildings
TE5 - Protected species habitats and biodiversity
TH2 - Designing out crime
TTR2 - Sustainable Communities
THW4 - Outside space provision
THW5 - Access to sustainable transport