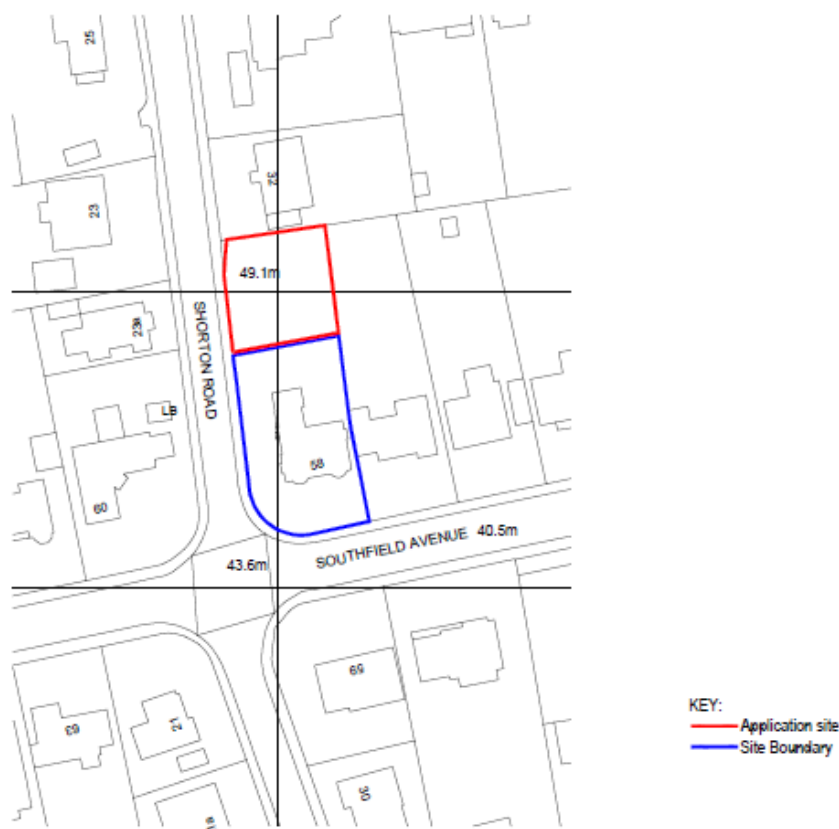




Application Site Address	58 Southfield Avenue Paignton TQ3 1LH
Proposal	Proposed new dwelling in curtilage of property.
Application Number	P/2019/0923
Applicant	Mr and Mrs Munro
Agent	Mr Mike Hughes – Narracotts Architects
Date Application Valid	03/09/2019
Decision Due date	29/10/2019
Extension of Time Date	17/07/2020
Recommendation	Conditional approval subject to the conditions detailed below. Final drafting of conditions, and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Assistant Director responsible for Planning, Housing and Climate Emergency.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee due to the number of objections that have been received.
Planning Case Officer	Emily Elliott

Location Plan:



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Site Details

The site is part of the curtilage of No.58 Southfield Avenue, Paignton, which is a detached residential property located on the corner of Southfield Avenue and Shorton Road. The site will have access from Shorton Road and will be sited to the northern, higher section of the rear garden of No.58 Southfield Avenue. The site slopes down towards the southern edge of the site. The outdoor amenity space for No.58 Southfield Avenue is on two levels that are relatively level. The site forms part of the built up area, but is not otherwise subject to any designations within the Torbay Local Plan.

To the north of No.58 Southfield Avenue is No.32 Shorton Road, which is separated by dense vegetation and a stone boundary wall. The ridge line of No.32 Shorton Road is 58.370 (AOD), whilst the host dwelling No.58 Southfield Avenue has a ridge line of 56.30 (AOD). To the east of No.58 Southfield Avenue is No.56 Southfield Avenue, which is separated by a close-boarded fence. The application site adjoins the end of the rear garden of No 56. Southfield Avenue.

Description of Development

The proposal seeks to form a four bedroom dwelling with an integral garage in the curtilage of 58 Southfield Avenue, Paignton. The proposed dwelling includes an off-street parking space and outdoor amenity space. The appearance of the proposed dwelling is contemporary and includes a main pitched roof with mono-pitch elements. The proposal is for a split-level storey dwelling, that includes lower, ground, first and second floors.

The split-level design incorporates the following:

- Lower ground floor – Hallway, store, utility and integral garage.
- Ground floor – Two bedrooms and a bathroom.
- First floor – Open lounge/kitchen/dining area.
- Second floor – Two bedrooms both with en-suites.

Full-height windows are proposed in the following locations:

- On the northern elevation to serve the lounge/dining area (first floor);
- On the eastern elevation to serve bedroom 3 (ground floor) and the lounge/dining area (bottom panes obscurely glazed – first floor);
- On the southern elevation to serve the utility (lower ground floor) and lounge/dining area (obscurely glazed – first floor); and
- On the western elevation to serve the open lounge/kitchen/dining area (first floor).

It should be noted that the proposed plans for this planning application have been revised a number of times to address concerns of officers and neighbours. The key changes are:

- Setting the proposed dwelling back to have a suitable building line that reflects the positioning of existing properties on Shorton Road and provides off-street parking that meets the standards set in Appendix F of the Torbay Local Plan.
- Redesigning the overall appearance of the proposed dwelling from a flat roof design to a mono-pitch split-level design so that it is more in keeping with the street scene
- Reducing the proposed number and size of openings to protect adjacent occupiers.
- Removal of an upper terrace at the rear that would have overlooked the neighbour.
- Insetting part of the building that includes the full height east facing patio lounge doors to prevent oblique overlooking to the dwellings at No 58 and 56 Southfield Road.

Pre-Application Enquiry

None sought.

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 Adopted Paignton Neighbourhood Plan 2012-2030

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

P/1990/0708/OA: Erection Of One Dwelling House With Access Onto Shorton Road (In Outline). Refused 25/05/1990.

1. The proposal constitutes over-development of a restricted site, detrimental to the character, appearance and residential amenity of adjacent property and the area, and would establish a serious precedent for other similar proposals in this and other areas, which cumulatively would destroy the character of such areas.

P/1982/1421/OA: One Dwelling. Refused 09/08/1982.

1. After due allowance has been made for the provision of an adequate building line, the site is of insufficient size to allow for the erection of a dwelling which

would be in keeping with the character of the area, and at the same time allow for adequate space about both the proposed building and the existing house.

2. The proposal would result in an unsatisfactory arrangement of buildings which would adversely affect the residential amenities and privacy of the existing house and adjoining dwellings.

Summary of Representations

The application was publicised through a site notice and neighbour notification letters. 32 letters of objection have been received, it should be noted that this number reflects 15 objectors as some have made more than one objection.

Concerns raised include:

- Loss of light
- Overdevelopment
- Not in keeping with local area
- Privacy/overlooking
- Residential amenity
- Sets precedent
- Drainage
- Impact on local area
- Noise
- Traffic and access
- Trees and wildlife
- Land stability
- Planning history

An update will be provided to Members of the Planning Committee following the end of a further public consultation period due to receiving revised plans.

Summary of Consultation Responses

Paignton Neighbourhood Forum:

No comments received.

Torbay Council's Highways Engineer:

No objections. The developer will need to construct a vehicular crossing using a suitably qualified and insured contractor under licence to the highway authority

South West Water:

No objection.

Torbay Council's Drainage Engineer:

The developer has identified that infiltration drainage will not be feasible at this development and is therefore proposing to discharge surface water run-off from the site at a controlled discharge rate to the combined sewer system.

The proposed discharge rate of 1.0l/sec complies with the requirements of the Torbay Critical Drainage Area.

The only hydraulic calculations that have been submitted are for the design of the attenuation tank. There are no hydraulic calculations for the surface water drainage system discharging to or from the attenuation tank. These are required to confirm that there is no risk of flooding to properties on the site or any increased risk of flooding to properties or land adjacent to the site for the critical 1 in 100 year storm event plus 40% for climate change.

The developer must supply a drawing showing the proposed surface water drainage for the development which provides details of the proposed manhole cover levels, invert levels, pipe diameters, pipe gradients, pipe numbering used in the hydraulic modelling and details of the impermeable areas discharging to each pipe length. All of this information is required to be included within the hydraulic modelling.

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

It should be noted that the Council has adopted Drainage Standing Advice, therefore as the site is within Flood Zone 1, a planning condition can be employed to secure suitable surface water drainage.

Torbay Council's Senior Tree and Landscape Officer:

No arboricultural input required.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of Development
2. Impact on Visual Amenity
3. Impact on Residential Amenity
4. Impact on Highways
5. Impact on Ecology
6. Impact on Flood Risk and Drainage

1. Principle of Development

The site is located within an established residential area and is considered to be a sustainable location for such development being in relatively close proximity to

services and public transport routes. Objectors have raised concerns regarding the planning history of the site. It should be noted that previously in 1990 and 1982 outline consent was refused for a new dwelling in the curtilage of No.58 Southfield Avenue, Paignton. The reasons for refusal include overdevelopment, impact on visual and residential amenity, potential precedent. These concerns will be addressed in the body of this report.

Objectors have also raised concerns regarding land stability. It should be noted that full structural considerations would be a matter for Building Regulations instead of the planning process.

Policy H1 of the Local Plan states that proposals for new homes within Strategic Delivery Areas, and elsewhere within the built-up area, will be supported subject to consistency with other policies in the Local Plan. It is noted that the Council is currently falling short of its 5-year housing land supply and that the proposal would make a contribution to this shortfall being addressed. As the Council cannot demonstrate a 5 year housing land supply the tilted balance in favour of sustainable development is applicable as required by the National Planning Policy Framework (NPPF)

Paragraph 11 of the NPPF states:

Plans and decisions should apply a presumption in favour of sustainable development.

For **decision-taking** this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7: 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 (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

This broad position is subject to wider policy considerations that are relevant to the development proposal.

2. Impact on Visual Character

Paragraph 124 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 130 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy PNP1(c) of the Paignton Neighbourhood Plan states that development proposals should where possible and appropriate to the scale and size of the proposal to be in keeping with the surroundings respecting scale, design, height, density, landscaping, use and colour of local materials.

There is a somewhat mixed local character and pattern of development within the locality, although it is generally characterised by detached houses within spacious plots. Objectors have raised concerns that the proposal is a form of overdevelopment, it is not in keeping with the local area and it will have a negative impact on the local area. Concerns have also been raised that permitting the proposal will set a precedent. Outline consent has previously been refused on site for a new dwelling in the curtilage of No.58 Southfield Avenue, Paignton. Previous refusals have stated that a dwelling constitute a form of overdevelopment, sets a precedent and would have a negative impact in terms of visual impact. It is considered that the proposal would not have a detrimental impact on the existing streetscene as over the decades the adjacent infill plots have been filled (Nos.23, 23A and 32 Shorton Road). It is considered that the existing streetscene does not offer any particular characteristic or ambience.

The proposed dwelling provides an active frontage along the section of Shorton Road and when considering the existing dwelling, it is considered to be at a reasonable distance to not have an overbearing or over dominant effect. The relationship of the proposed siting of the new dwelling with the streetscene is therefore considered to be acceptable.

In terms of the footprint of the dwelling within the plot the proposal will result in additional built form within the plot, however other corner plots within the locality have been infilled. Furthermore, an adequate area of outside space is retained for both the proposal and No.58 Southfield Avenue. The overall footprint is therefore considered to be consistent with the urban grain of the area and without detriment to the character and appearance of the locality.

The general scale of development is considered commensurate with the locality when considering the mix of dwellings in the area. It is considered that there is scope for a dwelling within the plot, considering previous planning decisions made in the area. It is also relevant to consider that having regard to the lack of a five year housing land supply in Torbay a tilted balance should be applied in favour of sustainable development. It is considered that the proposal will provide a reasonably sized house which will assist in the supply of housing. It should be noted that the site slopes to the

south and that the natural ground levels therefore fluctuate on site, however it is considered that the proposal positively addresses the topography and provides a dwelling of a reasonable size, scale and massing. The footprint of the plot will be subdivided, however it is considered acceptable due to the plot size, and as an adequate level of space will be provided around both the proposed and existing dwelling.

In terms of design and massing the proposed dwelling will appear predominately as two and a half storeys, due to the topography of the land and the split level internal configuration. In considering the design regard must be given to the surrounding streetscene there is a mixture of house types and designs and therefore given the context of the area, the proposal is considered to be acceptable in terms of design and impact on the streetscene. There is a mixture of gable and hipped roofscapes with the vicinity, there is also a mixture of finishes from render to cladding. It is considered that as there is no distinct house type or character that the proposal is in keeping with the local area. The proposal is considered to provide a dwelling with a contemporary visual appearance, a planning condition is recommended to secure details of external materials for the proposed dwelling.

As a result the size, scale, massing and visual appearance of the dwelling is considered to be acceptable and without detriment to the character and appearance of the locality or streetscene, and is considered to comply Policy DE1 of the Local Plan, Policy PNP1(c) of the Paignton Neighbourhood Plan and the guidance contained in the NPPF.

3. Impact on Residential Amenity

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

Policy DE3 of the Local Plan which relates to development amenity requires that new residential units provide adequate floor space in order to achieve a pleasant and healthy environment. Provision of useable amenity space, including gardens and outdoor amenity area should be provided with a guidance of 55 square metres for new dwellings. Internal floor standards are set out from the DCLG technical housing standards document. This states the minimum internal floor space which should be provided and gives guidance on the minimum floor area. The minimum internal floor spaces set out by this guidance and reflected in Policy DE3 shows that a minimum floor space of 121 square metres is required for a four bedroom, seven bed-space, three storey dwelling.

The internal floor space area for the proposed dwelling is approximately 175 square metres and the outside amenity space is in excess of 120 square metres, which is above the standards required. No.58 Southfield Avenue retains and maintains its off-street parking spaces and over 200 square metres of outdoor amenity space. It is therefore considered that an adequate standard of accommodation for the proposed

dwelling is provided and adequate parking and outdoor amenity space is maintained for No.58 Southfield Avenue.

In terms of impact on the neighbouring properties, the proposal is considered to have an acceptable impact. Objectors have raised concerns regarding loss of light, invasion of privacy, overlooking, noise, negative impact on residential amenity and overbearing. Concerns have also been raised by adjacent dwellings on the opposite side of the road on Shorton Road, it should be noted that Shorton Road separates the proposal and the dwellings adequately, it is considered that the proposal will not have a detrimental impact upon those occupiers.

The proposed dwelling has been significantly revised to overcome officer concerns regarding the impact the proposal would have on levels of privacy on adjacent occupiers. The scheme has been amended in the following ways:

- Reduction in amount and size of openings
- Introduction of obscure glazing to a number of openings
- Removal of an upper terrace at the rear that would have overlooked the neighbour.
- Insetting part of the building that includes the full height east facing patio lounge doors to prevent oblique overlooking to the dwellings at Nos.58 and 56 Southfield Road.

Impact on privacy

The southern and eastern elevations of the proposed dwelling will sit adjacent to Nos.56 and 58 Southfield Avenue's outdoor amenity space. A planning condition is recommended to ensure that certain windows within the proposed dwelling are obscurely glazed as per the plans, as some particular openings could be detrimental to the privacy of adjacent occupiers, however by obscurely glazing the openings it enables the proposed dwelling to gain natural light.

The site benefits from dense vegetation between itself and No.32 Shorton Road which is shown to be retained on the proposed plans. It should be noted that there is only one opening on the side elevation of No.32 Shorton Road that faces the site, which is an obscurely glazed door leading out onto a roof terrace sited on top of the garage from where it is possible to overlook the outdoor amenity space of No.58 Southfield Avenue.

The proposed plans also show a lower and a higher terraced area, it is considered that with adequate boundary treatments, the privacy between the site and No.56 Southfield Avenue will be maintained. It should be noted that No.56 Southfield Avenue has a large amenity space and the site will only impact upon the end section of this with the most sensitive area of No.56 Southfield Avenue's outdoor amenity space being protected. A further planning condition is recommended to secure the landscaping of the scheme which will provide natural screening between the site and the adjacent dwellings.

The building design has been amended so that the east facing full height glazing to the living area of the new dwelling is set back behind a solid wall to prevent oblique views back towards Nos.58 and 56 Southfield Avenue.

Impact of scale and massing on adjacent neighbours

The proposed dwelling is located approximately 16 metres from No.58 Southfield Avenue, approximately 18 metres from No.56 Southfield Avenue and approximately 7.5 metres from the side elevation of No.32 Shorton Road.

The relationship between the proposed dwelling and No.32 Shorton Road is considered to be acceptable given the topographic levels and No.32 being significantly higher than the site.

In respect of the impact to Nos.56 and 58 Southfield Avenue to the south of the site, the dwelling is not considered to impact on the amenity of these properties due to the separation distances and due to the siting of the proposal and therefore it is considered that the proposal will not have an overbearing impact on adjacent dwellings.

Access to natural light

Due to the siting of the proposed dwelling and it being to the north of No.58 Southfield Avenue, it is considered that due to the topography and orientation that the proposal will not have an impact on the access to natural light to any adjacent neighbour, including No.32 Shorton Road which is sited on higher land.

Residential amenity overview

The site is large enough to accommodate a new dwelling without resulting in any harmful overlooking, overbearing or overshadowing impacts to neighbouring properties. In addition, a planning condition is recommended to remove permitted development rights to ensure that amenity of adjacent dwellings is not impacted due to the site being constrained. A further planning condition is recommended to secure a Construction Method Statement. As such with the addition of the recommended planning conditions, the proposal is considered to be acceptable in terms of impact on neighbour amenity and therefore accords with Policy DE3 in the Torbay Local Plan.

4. Impact on Highways

Policy DE3 of the Local Plan specifies that new development proposals should have satisfactory provision for off-road motor vehicle parking, bicycles and storage of containers for waste and recycling. Policy TA2 of the Local Plan states all development proposals 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. Policy TA3 of the Local Plan details that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development. Policy PNP1(d) of the Paignton Neighbourhood Plan states that new residential development should aim to achieve where appropriate and subject to

viability space for solid waste storage within the curtilage and purpose designed cycle parking space that is covered, safe and convenient.

The proposal proposes one off-street parking space to be accessed from Shorton Road and the other off-street parking space is contained within the integral garage. Objectors have raised concerns regarding traffic and access, in particular the level of parking provision the proposal provides. Appendix F states that parking spaces should be 4.8 metres by 2.4 metres except for when they abut the public footpath and/or public highway and then the spaces should be 5.5 metres by 3.2 metres to prevent vehicles from overhanging and causing an obstruction to the public footway and potentially the public highway. The off-street parking space will be sited directly in front of the garage and therefore 6 metres depth is required to enable the garage door to open. The Council's Highways Engineer has been consulted on the application and has stated that the Highways raise no objections. The proposed parking provision accords with Appendix F and a planning condition is recommended to retain the parking provision for the new dwelling. Furthermore, two covered and secure bicycle spaces should be provided, these are not indicated on the proposed site layout, however a planning condition is recommended to secure such details prior to occupation.

Policy W1 of the Local Plan states that as a minimum, all developments should make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated and with particular reference to residential developments, they should provide adequate space within the curtilage for waste and accessible kerbside recycle bins and boxes. The submitted proposed plans indicate refuse storage, therefore a planning condition is recommended to secure the refuse storage for the new dwelling.

Subject to the aforementioned planning conditions, the proposal is considered to comply with Policies TA2, TA3 and W1 of the Local Plan and Policy PNP1(d) of the Paignton Neighbourhood Plan. An informative can be employed to bring to the applicant's attention the requirement that a licence be sought for works within the highway.

5. Impact on Ecology

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale.

Objectors have raised concerns regarding trees and ecology. It should be noted that the site does not have any tree preservation orders on site, and the site can be cleared without requiring permission from the Local Planning Authority. No trees intend to be felled. A planning condition and an informative has been recommended to remind the developer of their responsibility for bats and breeding birds.

6. Impact on Flood Risk and Drainage

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere. Policy PNP1(i) of the Paignton Neighbourhood Plan states that developments will be required to comply with all relevant drainage and flood risk policy.

The site is located within the Critical Drainage Area and the application has been accompanied by a flood risk assessment. Objectors have raised concerns regarding drainage. South West Water have raised no objections to the proposed development. The Council's Drainage Engineer was consulted on the proposal, the adopted Standing Advice applies to the proposal as it is within Flood Zone 1. A planning condition is recommended to ensure that a sustainable surface water drainage method is secured.

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 dwelling is 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 dwelling to be provided must carry significant weight in this balance.

Impacts on neighbour amenity have been discussed above where it is concluded that it would 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 ecology and biodiversity 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.

The proposal will include bicycle storage, and the proposed development is in a sustainable location inasmuch as it would make use of a brownfield site within the existing urban area.

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.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Local Finance Considerations

S106: Not applicable.

CIL: Not applicable.

EIA/HRA

ERA: 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: Not applicable.

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.

Conclusions and Reasons for Decision

In the absence of a 5 year housing land supply applications for sustainable development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The proposal on balance is considered acceptable in principle; would not result in unacceptable harm to the character of the area, heritage assets, or local amenity; would provide an adequate standard of living accommodation and provide acceptable arrangements in relation to access, ecology and flood risk. The proposed development is considered to represent sustainable development and is acceptable, having regard to the Torbay Local Plan, the Paignton Neighbourhood Plan, the NPPF, and all other material considerations.

Officer Recommendation

That planning permission is granted, subject to the conditions detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director for Planning, Housing and Climate Emergency.

Conditions

Permitted Development Rights

Notwithstanding the provisions of Classes A to E of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no enlargements, improvements or other alteration shall take place to the approved dwelling, and no outbuildings or other means of enclosure shall be erected within the garden area of this dwelling house, with the exception of one ancillary structure up to 10 cubic metres in volume, unless permission under the provisions of the Town and Country Planning

Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In interests of visual and local amenity and in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030 and Policy PNP1(c) of the Paignton Neighbourhood Plan 2012-2030.

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: This information is required prior to commencement to safeguard the amenity of the locality in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

Materials

Prior to their installation details of the proposed exterior materials including wall finishes, roofing materials, windows, doors, eaves, fascias and rainwater goods shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details, and shall be retained as such for the life of the development.

Reason: In the interest of visual amenity and in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and Policy PNP1(c) of the Paignton Neighbourhood Plan 2012-2030.

Flood Risk Assessment

Notwithstanding the submitted flood risk assessment, surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 40% for climate change.

If demonstrated that the ground conditions are not suitable for soakaways or will result in an increased risk of flooding to surrounding buildings, roads and land, prior to commencement of the development, details of an alternative means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details of the alternative means of surface water drainage shall include evidence of how surface water will be dealt with in order not to increase the risk of flooding to surrounding buildings, roads and land. As Torbay is a Critical Drainage Area the submitted means of surface water drainage shall ensure that all off site surface water discharges from the development must be limited to the "Greenfield" run off rate for the 1 in 10 year rainfall event with attenuation designed so as there is no risk of flooding to properties or increased risk of flooding to adjacent land for the critical 1 in 100 year storm event plus a 40% allowance for climate change. On site all surface water shall be safely managed up to the "1 in 100 year critical rainfall event plus 40% allowance for climate change" conditions. This will require additional water storage areas to be created thereby contributing to a reduction in flooding downstream. The development shall not be utilised until the approved surface water drainage system has been completed as approved and it shall be continually maintained thereafter.

Reason: In the interests to adapting to climate change and managing flood risk, and in order to accord with Policies ER1 and ER2 of the Torbay Local Plan 2012-2030 and paragraph 103 of the NPPF. These details are required pre-commencement as specified as Torbay has been designated as a Critical Drainage Area and to ensure that a surface water drainage system is designed appropriately in light of this designation.

Obscure Glazing

Prior to the occupation of the dwelling hereby approved, the first floor window in the southern flank elevation which serves the dining/lounge area, the first floor lower pane windows in the eastern flank elevation which serves the dining/lounge area, and the ground floor window in the northern flank elevation which serves bedroom 4 of the development hereby approved shall be fitted with obscure glazing to Pilkington level 4, or an equivalent standard. These windows shall be fixed shut unless opening parts are located higher than 1.7m above finished floor level or they are fitted with 100mm opening restrictors. The windows shall thereafter be permanently retained in that condition for the lifetime of the development.

Reason: In the interests of privacy of the neighbouring properties, in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

Parking Provision

The dwelling hereby approved shall not be occupied or brought into use until the parking space and garage detailed on the plan reference " 2364 02 F" received on 24th June 2020 have been provided. These elements shall thereafter be retained for such purposes for the associated dwelling 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 PNP1(d) of the Paignton Neighbourhood Plan 2012-2030.

Electric Charging Point

Prior to the occupation of the development hereby approved, a scheme for the insertion of one electrical charging point to be located within the site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include design, location, specification and a timescale for insertion prior to occupation. The agreed electrical charging point shall be thereafter maintained and retained for the lifetime of the development.

Reason: To ensure the parking provision of the new residential units in accordance with the requirements of Policy TA3 of the Torbay Local Plan and Policy PNP1(d) of the Paignton Neighbourhood Plan.

Bicycle Storage

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

Reason: To ensure adequate parking facilities are provided to serve the development in accordance with Policy DE3 and TA3 of the Torbay Local Plan 2012-2030 and Policy PNP1(d) of the Paignton Neighbourhood Plan 2012-2030.

Refuse Storage

Prior to the first occupation of the development hereby permitted, the provision for storage of refuse and recycling awaiting collection as detailed on the approved plans (plan reference '2364 01 E' received 24th June 2020) shall be in place and available for use. Once provided, the approved storage arrangements shall be retained for the life of the development.

Reason: In interests of visual amenity and in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and Policy PNP1(d) of the Paignton Neighbourhood Plan 2012-2030.

Removal of Vegetation

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive in any given year, unless prior to the commencement of works a detailed biodiversity survey by a competent ecologist has been submitted to and approved in writing by the Local Planning Authority. The survey shall include the details of the check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on the site. The development shall then be carried out in accordance with the details submitted.

Reason: In the interests of protected species and in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

Landscaping

Prior to the first occupation of the development hereby approved, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species. The approved hard landscaping details shall be provided within 8 weeks of the development being brought into use, and shall be retained for the life of the development.

Reason: In the interests of visual amenity and in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and Policy PNP1(c) of the Paignton Neighbourhood Plan 2012-2030.

Boundary Treatment

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

Reason: In interests of visual and residential amenity and in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030 and Policy PNP1(C) of the Paignton Neighbourhood Plan 2012-2030.

Informative(s)

1. For the avoidance of doubt, any works to be undertaken within the public highway will require the separate consent of the Highway Authority.
2. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.
3. Responsibilities of the applicant / developer:

All bats are protected by law. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Where works are to involve cutting or clearance of shrubs, hedges or other vegetation, which can form nesting sites for birds, such operations should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any year). Schemes must be in place to avoid threat of killing or injuring reptiles, such as slow worms. Slow worms may shelter beneath vegetation as well as among any stored or discarded sheeting, building and other materials. Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

Relevant Policies

DE1 – Design

DE3 – Development Amenity

ER1 – Flood Risk

ER2 – Water Management

H1 – Applications for New Homes

NC1 – Biodiversity and Geodiversity

PNP1(c) – Design Principles

PNP1(d) – Residential Development

PNP1(i) – Surface Water

SS3 – Presumption In Favour Of Sustainable Development

TA2 – Development Access

TA3 – Parking Requirements

W1 – Waste Management