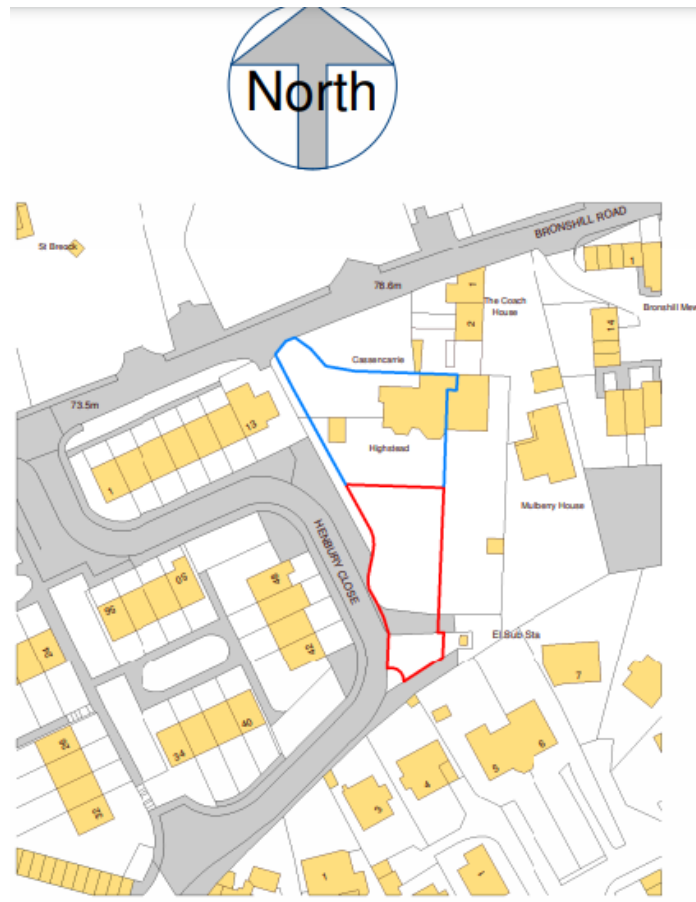


# **TORBAY COUNCIL**

Application Site Address	Highstead, Bronshill Road Torquay TQ1 3HD
Proposal	Construction of dwelling house.
Application Number	P/2020/0307
Applicant	Mrs H Swift
Agent	Steve Anderson Planning & Development
Date Application Valid	15.05.2020
Decision Due date	10.07.2020
Extension of Time Date	19.10.2020
Recommendation	Approval: Subject to; The conditions as outlined below with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency; The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.
Reason for Referral to Planning Committee	The proposed development had received a large number of objections and as such the Chairman has requested that the application be referred to the Planning Committee for determination.
Planning Case Officer	Rose Bailey-Clark



### **Site Details**

The site is part of the curtilage of Highstead, Bronshill Road, Torquay, which is a residential property that is part of a large heavily extended building located on the Bronshill Road. The site would have access from Henbury Close and will be sited to the southern, lower section of the rear garden of Highstead. The site slopes down towards the southern edge of the site.

The site forms part of the built up area, but is not otherwise subject to any designations within the Torbay Local Plan.

### **Description of Development**

The proposal seeks to form a four bedroom dwelling with an integral garage in the curtilage of Highstead, Bronshill Road, Torquay. The proposed dwelling includes an off-street parking space and outdoor amenity space. The appearance of the proposed dwelling is contemporary and includes multiple mono-pitch roofs. The proposed dwelling would be split-level with two storeys, including a lower ground and upper ground floor.

The split-level design incorporates the following:

- Lower ground floor – Hallway, store, utility, integral garage, bathroom and two bedrooms.
- Upper ground floor – Two bedrooms, two bathrooms, hallway, kitchen and living room.

Windows are proposed in the following locations:

- On the southern elevation to serve the lounge and kitchen (upper ground floor) and to serve the two bedrooms (lower ground floor);
- On the northern elevation to serve two bedrooms and the kitchen (upper ground floor);
- On the western elevation to serve the stairway/kitchen (obscurely glazed - upper ground floor); and
- On the eastern elevation to serve the two bathrooms (obscurely glazed – upper ground floor).

### **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 Torquay Neighbourhood Plan 2012-2030 (TNP)

### **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/1986/2430 - Alteration And Use As Four Self Contained Flats With Parking Area – Approved 08.01.1987

### **Summary of Representations**

The application was publicised through a site notice and neighbour notification letters. 25 letters of objection have been received, along with a petition signed by 49 objectors.

Concerns raised include:

- Traffic and access

- Over development
- Privacy / overlooking
- Trees and wildlife
- Loss of light
- Impact on local area
- Noise
- Not in keeping with local area
- Sets precedent
- Impact on local area
- Drainage

### **Summary of Consultation Responses**

#### **Torquay Neighbourhood Forum:**

*No comments received.*

#### **Torbay Council's Highways Engineer:**

*Highways Standing Advice would apply to the above application.*

#### **Torbay Council's Drainage Engineer:**

*Further to your letter dated 11th June 2020 regarding the above planning application, as the development is located in Flood Zone 1 and infiltration drainage is not feasible due to the slope of the site, the developer is proposing to discharge surface water at a controlled discharge rate the surface water sewer. Please use the recently agreed standing advice for this planning application.*

#### **Torbay Council's Senior Tree and Landscape Officer:**

*No objection.*

#### **Torbay Council Senior Environmental Health Officer:**

*Further to your recent consultation regarding the above application I would confirm that that I have no objections subject to the inclusion a Construction Management Plan condition.*

### **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 and Trees

6. Impact on Flood Risk and Drainage
7. Low Carbon Development

## 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.

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-date<sup>7</sup>, 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 proposed<sup>6</sup>; 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.*

The Council can however demonstrate a 3 year housing land supply which means that policies within the Torquay Neighbourhood Plan remain up to date.

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 TH8 of the Torquay Neighbourhood Plan states that development must be of good quality design, respect the local character and reflect the identity of its surroundings. Policy DE4 of the Local Plan requires building heights to be appropriate to the location, historic character and the setting of development.

The proposed dwelling would be located at the southern corner of the garden of the main property, Highstead, Bronshill Road and the proposal would front onto, and be accessed via Henbury Close. There is a somewhat mixed local character and pattern of development within the locality, although it is generally characterised by detached houses on Windsor Close and terraces of houses on Henbury Close. The proposed dwelling would be relatively low in height and would be finished with high quality materials including natural stone cladding. While the proposed dwelling house would employ a modern and contemporary design that would to some extent differ in appearance from many of the buildings in the surrounding area, it is noted that the area has some diversity in terms of built form, and also that the stone cladding reflects the natural stone boundary walls present in the locality. 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 curtilage of the Highstead. The curtilage area to serve Highstead is large in comparison to most other dwellings in the locality and the subdivision of this plot would not be out of character with the urban grain of the area. An adequate area of outside space is retained for both the proposal and Highstead and the subdivision of the plot is not considered to result in any significant detriment to the character and appearance of the locality.

The site slopes steeply to the north, therefore the proposal would have a two storey frontage and be a single storey to the rear. The overall height of the proposal is similar to those within the locality, which consist of largely two storey dwellings and is considered appropriate in terms of visual impact.

Overall, the proposal is considered to provide a dwelling with a contemporary visual appearance. The majority of the hedgerow/boundary vegetation to the west will be retained, with further planting along the proposed boundary wall. A planning condition

is recommended to secure details of external materials, landscaping and boundary treatments.

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 Policies DE1 and DE4 of the Local Plan, Policy TH8 of the Torquay 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.

#### Quality of Living Accommodation

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. The Neighbourhood Plan is largely silent on the matter of amenity. The NPPF guides (Paragraph 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 sets out guidelines for minimum floor space standards for new dwellings and apartments, which reflect the Government's National Space Standards. A two-storey dwelling with four bedrooms and eight bed spaces should have an internal area of 124 square metres. Policy THW4 of the Neighbourhood Plan states that all new houses shall have not less than 20m<sup>2</sup> of outside space and must have garden areas with not less than 10m<sup>2</sup> of space suitable for growing plants or the equivalent allocated communal growing space within an easy walk.

The internal floor space area for the proposed dwelling is approximately 167 square metres and the outside amenity space is in excess of 300 square metres, which is above the standards required. Highstead retains and maintains its off-street parking spaces and over 300 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 Highstead. The relationship between Highstead and the proposed new dwelling is considered acceptable, given the separation distance, screening provided by vegetation and the proposed 1.8m high boundary treatment.

Each of the habitable rooms proposed within the proposed dwelling house would be served by sufficient window openings to allow for sufficient outlook and access to natural light. The proposal is considered to provide a good standard of living accommodation for future occupiers.

## Impact on Neighbouring Amenity

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 been raised by adjacent dwellings on the opposite site of Henbury Close, it should be noted that the sole opening proposed on the southern elevation which would face these occupiers is to be obscure glazed and this shall be secured by planning condition. The proposed balcony would not have a significant impact on these neighbours as it would be mostly set back which would prevent lateral views towards the south. Additionally, the road separates the proposal and the dwellings adequately. On balance it is considered that the impact on privacy will not be significant and is acceptable.

Objections have also been received by the occupiers of neighbouring properties on Windsor Close to the south of the site, raising concerns over a loss of privacy. The proposal includes a balcony and windows on the southern elevation which would face towards these properties. The new dwelling is set on much higher ground than these neighbours, and views towards the rear elevations of the buildings would be screened by a boundary wall. Furthermore, the balcony balustrading will be obscure glazed, which would direct views from the property out and over the roofs of these properties. The proposal would be approximately 17.5m from the boundary wall and 27.7m from the rear elevation of these properties, which is considered an acceptable separation distance.

Concerns over loss of privacy have been raised by the occupiers of the semi-detached pair to Highstead, Cassencarie. The proposal would lie adjacent to the southern section of the garden of this property. There is an existing dense boundary hedge which is to be maintained and the only openings on the western elevation are to be obscure glazed. With the boundary treatment in place it is considered that privacy between the site and this neighbour to the west will be maintained. It should be noted that Cassencarie has a large amenity space and the site will only impact upon the end section of this with the most sensitive area of Cassencarie's outdoor amenity space being protected. A further planning condition is recommended to secure the landscaping of the scheme which will ensure that the natural screening between the site and the adjacent dwellings is maintained.

It is considered that the proposal will not have an overbearing impact on adjacent dwellings given the separation distances and screening involved.

## 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 and Policy THW4 of the Torquay Neighbourhood 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. Torquay Neighbourhood Plan Policy TH9 states that all housing development must meet the guideline parking requirements contained in the Local Plan unless it can be shown that there is not likely to be an increase in on-street parking arising from the development or, the development is within the town centre and an easy walk of a public car park which will be available to residents for the foreseeable future.

Appendix F of the Local Plan states that two parking spaces should be provided per dwelling. The proposal proposes one off-street parking space to be accessed via the privately owned hardstanding area adjacent to Henbury Close and the other off-street parking space is contained within the integral garage. Both spaces meet the size requirements specified in the Council's Highways Standing Advice and the proposed parking provision accords with Appendix F, a planning condition is recommended to retain the parking provision for the new dwelling.

Objectors have raised concerns regarding traffic and access, in particular with regard to the potential loss of on-street parking. The proposed site would be accessed via an existing privately owned tarmacked area, which provides access to the adjacent electricity substation. The use of this area of land which is under private ownership to provide access to the proposed dwelling would not result in any loss of on street parking provisions. The dwelling provides the required level of parking within the site, therefore there is not predicted to be any further demand on on-street parking within the locality.

The proposal does not indicate two covered and secure bicycle spaces on the proposed 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 a refuse storage area adjacent to the parking area, a planning condition is recommended to secure this 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 TH9 of the Torquay Neighbourhood Plan.

## **5. Impact on Trees and Ecology**

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale. Policy TE5 (Protected species habitats and biodiversity) states that the development of new homes, or a new commercial property or business premises of any class, on an unallocated site that could have an impact on a protected species or habitat must provide, as appropriate, 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. Policy C4 of the Local Plan does not permit development when it would seriously harm, either directly or indirectly, protected or veteran trees, hedgerows, ancient woodlands or other natural features of significant landscape, historic or nature conservation value.

Objectors have raised concerns regarding the impact of the proposal on trees and ecology. Most of the site of the proposed dwelling is mown lawn with an area of shrubs which will require removal. The sloping boundaries towards Henbury Close are overgrown with bindweed which will also require removal. A tree protection plan has been submitted to accompany the application to protect the retained tree on the site and new native species hedge has been proposed for the western boundary. The Council's Senior Tree and Landscape Officer is satisfied that the proposed development is acceptable in terms of its impact upon the trees adjacent to the site.

The application has been accompanied by an ecological assessment which confirms that there are no over-riding ecological reasons why the development should be refused. The report recommends that works are carried out outside the nesting season, unless a nesting check is carried out before hand by a suitably qualified ecologist. To avoid impacting reptiles, any undergrowth should be cleared in stages to allow any animals to escape. To prevent the risk of killing or injuring hedgehogs vegetation clearance in winter months should be carried out by hand. These recommendations will be secured by means of a planning condition. The report also recommends that biodiversity enhancements should be provided to offset the impact of the development, which will be secured via condition.

Following the use of the above planning conditions, the proposed development is considered to be acceptable with regard to Policies NC1 and C4 of the Local Plan and Policy TE5 and of the TNP.

## **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.

The site is located within the Critical Drainage Area and the application has been accompanied by a flood risk assessment. 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.

## **7. Low Carbon Development**

Policy SS14, Low carbon development and adaptation to climate change, requires that development should minimise carbon emissions and the use of natural resources expected to arise during the lifetime of development.

The submission is silent on the matter of low carbon development, the submission of a statement detailing how the development will minimize its carbon output has been requested and members will be updated verbally on this matter at planning committee.

### **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 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 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 greenfield 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**

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

HRA: 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**

The proposal on balance is considered acceptable in principle; would not result in unacceptable harm to the character of the area, 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, and Class A of Part 2 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, fences gates, walls 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 TH8 of the Torquay Neighbourhood Plan 2012-2030.

## **Removal of Vegetation**

No removal of hedgerows, trees or shrubs shall take place within the bird nesting season (March-Sept inclusive), unless prior to the commencement of works a detailed biodiversity survey by a competent ecologist has been carried out. 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. This report shall be submitted to and approved in writing by the Local Planning Authority.

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

## **Ecology enhancements**

Prior to the commencement of the development hereby approved, in-line with the recommendations of the ecology report (plan reference: P2020-0307-5, received: 29.09.2020), evidence that at least two combined swift and bat boxes (located on Highstead on external walls in the positions indicated within the Ecology report) have been provided shall be submitted to and approved in writing by the Local Planning Authority. The approved ecology enhancements shall thereafter be retained for the life of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To secure biodiversity enhancements in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF. These details

are required prior to commencement to ensure that they are delivered prior to any portion of land being sold to different owner.

## **Ecology**

The development hereby approved shall be carried out in strict accordance with the recommendations set out in the ecology report (plan reference: P2020-0307-5, received: 29.09.2020). Which shall include:

- No clearance of bird nesting habitat between March-September unless a pre-clearance survey has been carried out by an ecologist.
- Clearance of undergrowth in stages, to allow any reptiles present to escape danger. Vegetation should be cut to c. 100mm above ground level and cut material raked off. The remaining vegetation can then be cut to ground level a couple of days later.
- Clearance of the site should be carried out carefully, assuming the possible presence of hedgehogs. Vegetation clearance should be carried carefully by hand out during the winter months

Reason: To prevent harm to protected species in accordance with policy NC1 of the New Torbay Local Plan 2012-2030.

## **New Boundary Hedge**

The proposed native boundary hedge to the western elevation shown in the plan with the reference number: 1845 PL2 Rev D (Inc 3D views), received: 18.08.2020 hereby approved shall be planted in accordance with the approved details in the first planting season following the practical 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 hedge shall be allowed to mature to a height of 1.8m and maintained at that height or more for the lifetime of the development. If the hedge fails, details of another solution to provide screening shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood 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. This scheme shall include details of how the retained hedgerow along the eastern boundary of the site is to be retained and protected during

development. 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 TH8 of the Torquay Neighbourhood Plan 2012-2030.

### **Tree Protection Measures**

The development hereby approved shall be carried out in strict accordance with the Tree Protection Measures (Plan reference: 20.2615.1.TPP, received: 14.08.2020).

Reason: To ensure that the construction works are carried out in an appropriate manner to prevent any impact on trees in accordance with Policy C4 of the Torbay Local 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 the interest of visual amenity and in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay 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 plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, & dust. The plan should include, but not be limited to:

- Procedures for maintaining good neighbour relations including complaint management.



- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:  
08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Control measures for dust and other air-borne pollutants.

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 the instillation of any external building materials including wall finishes, roofing materials, windows, doors, eaves, fascias and rainwater goods the proposed materials (including samples) 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 TH8 of the Torquay 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 Windows**

Prior to the occupation of the dwelling hereby approved, the window in the western flank elevation which serves the stairs/kitchen area, the windows in the eastern flank elevation which serves the bathrooms 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.

### **Obscure Glazing Balcony**

Prior to the occupation of the dwelling hereby approved, the balustrading of the first floor balcony in the southern flank elevation of the development hereby approved shall be fitted with obscure glazing to Pilkington level 4, or an equivalent standard. The balustrading shall thereafter be permanently retained in that condition for the lifetime of the development.

Reason: In the interests of privacy of the occupiers of the dwelling and of 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 vehicular access, parking space and garage detailed on the plan reference: 1845 PL3 D (GF & 1st inc section) received:14.08.2020 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 TH9 of the Torquay 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 TH9 of the Torquay 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 TH9 of the Torquay Neighbourhood Plan 2012-2030.

### **Refuse Storage**

Prior to the first occupation of the development hereby permitted, the details for the storage of refuse and recycling awaiting collection as indicated on the approved plans (plan reference number: 1845 PL2 Rev D (Inc 3D views), received: 18.08.2020) shall be submitted to and approved in writing by the Local Planning Authority. Once provided, the approved storage arrangements shall be retained for the life of the development.

Reason: In order to provide on-site waste storage and in the interests of visual and residential amenity, in accordance with Policies DE1, DE3 and TA3 of the Torbay Local Plan 2012 - 2030.

### **Finished Floor Levels**

Prior to the commencement of the development hereby approved, details of finished floor levels of the proposed new dwelling and external ground levels within the site shall have been provided to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved levels.

Reason: In the interest of visual amenity and the amenity of neighbours in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan 2012-2030. These details are required prior to the commencement of development to safeguard the appearance of the locality and the amenity of neighbouring occupiers.

### **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. 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.
4. If you are planning a new development or extending an existing property over, or within 3 metres of public assets you need to contact South West Water.

Note: South West Water will not permit building within 4.5 metres of public water

mains, sewage rising mains or sewers on a new development or redevelopment site. For more information please refer to the information on their website:

Clean water – <https://www.southwestwater.co.uk/developer-services/water-services-and-connections/building-near-water-mains/>

Waste water - <https://www.southwestwater.co.uk/buildoverResponsibilities> of the applicant / developer:

### **Relevant Policies**

DE1 – Design

DE3 – Development Amenity

DE4 – Building Heights

ER1 – Flood Risk

ER2 – Water Management

H1 – Applications for New Homes

NC1 – Biodiversity and Geodiversity

C4 – Trees, Hedgerows and Natural Landscape Features

SS3 – Presumption In Favour Of Sustainable Development

TA2 – Development Access

TA3 – Parking Requirements

W1 – Waste Management

SS14 – Low Carbon Development and Adaptation to Climate Change

TH8 – Established Architecture

TH9 – Parking Facilities

THW4 – Outside Space Provision

TE5 - Protected Species Habitats and Biodiversity