

Friday, 30 September 2022

PLANNING COMMITTEE

A meeting of **Planning Committee** will be held on

Monday, 10 October 2022

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Pentney (Chairman)

Councillor Dart

Councillor Barbara Lewis

Councillor Dudley (Vice-Chair)

Councillor Manning

Councillor Hill

Councillor Mills

Councillor Kennedy

Councillor Jacqueline Thomas

Together Torbay will thrive

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Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

PLANNING COMMITTEE AGENDA

1. **Apologies for absence**

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

2. **Minutes**

To confirm as a correct record the Minutes of the meeting of this Committee held on 22 September 2022.

(Pages 4 - 6)

3. **Disclosure of Interests**

(a) To receive declarations of non pecuniary interests in respect of items on this agenda.

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda.

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. **Urgent Items**

To consider any other items that the Chairman decides are urgent.

5. **284 Totnes Road, Paignton, TQ4 7HB (P/2022/0295)**

Proposed new Vehicle Wash and Valeting Service Station.

(Pages 7 - 18)

6. **St Edmunds, Victoria Park Road, St Marychurch, Torbay, TQ1 3QH (P/2022/0741)**

Construction of two single-storey one-bedroom temporary living spaces and associated landscaping including works to existing car park.

(Pages 19 - 32)

Public Speaking

If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email governance.support@torbay.gov.uk before 11 am on the day of the meeting.

We are trialling hybrid meeting arrangements to give registered speakers the opportunity to either attend the meeting in person to give their views or to attend the meeting remotely via Zoom. If you would like to attend the meeting remotely to speak you will be provided with a Zoom link to join the meeting. We also ask that you provide a copy of your speech to governance.support@torbay.gov.uk, before 11 am on the day of the meeting, so that the Clerk will be able to continue to read out your speech if you lose connection or cannot be heard in the physical meeting. Remote attendees who lose connection may still be able to follow the meeting via the live stream on the Council's YouTube channel.

Councillors who are not members of the Planning Committee will also be able to join the meeting via Zoom and must use their raise hand function to declare any interests.

Site Visits

If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 5 October 2022. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

Meeting Attendance

Please note that whilst the Council is no longer implementing Covid-19 secure arrangements attendees are encouraged to sit with space in between other people. Windows will be kept open to ensure good ventilation and therefore attendees are recommended to wear suitable clothing.

If you have symptoms, including runny nose, sore throat, fever, new continuous cough and loss of taste and smell please do not come to the meeting.

Live Streaming

To encourage more people to engage in our public meetings the Council is trialling live streaming our Planning Committee meetings on our YouTube channel in addition to recording the meetings and publishing the recording on our website. To watch the meeting live please visit <https://www.youtube.com/user/torbaycouncil>.

Minutes of the Planning Committee

22 September 2022

-: Present :-

Councillor Pentney (Chairman)

Councillors Dudley (Vice-Chair), Hill, Kennedy, Barbara Lewis, Mills, Jacqueline Thomas,
Steve Darling and Loxton

(Also in attendance: Councillors Brooks (virtually), Chris Lewis and David Thomas)

7. Apologies for absence

It was reported that, in accordance with the wishes of the Independent Group and the Liberal Democrat Group, the membership of the Committee had been amended for this meeting by including Councillors Loxton and Steve Darling instead of Councillors Manning and Dart respectively.

8. Minutes

The Minutes of the meeting of the Planning Committee held on 13 and 27 June 2022 were confirmed as a correct record and signed by the Chairman.

9. Disclosure of Interests

Prior to seeking declarations of disclosable pecuniary and non-pecuniary interests, the Legal Advisor to the Planning Committee was requested to provide legal advice in respect of the requirements in the Local Code of Good Practice for Members and Council Officers Involved in the Planning Process. Members were asked to consider whether they have any interests that would mean a reasonable member of the public might consider a conflict of interest to arise or that the decision is being approached with a closed mind and without impartial consideration of all relevant planning issues.

Subsequently, Councillor Mills confirmed that she would be withdrawing from the Committee when it considered the application for 8 Tor Close, Paignton, TQ4 6LB (P/2022/0625). Councillor Mills advised that she would withdraw to the public gallery at the appropriate time and address the meeting under Standing Order B4 in her capacity as Churston and Galmpton ward councillor and upon concluding her oral submission she would leave the room to avoid any suggestion that her presence could be seen to influence the committees deliberation or determination of this matter.

Councillor Kennedy declared a non-pecuniary interest as she was the ward councillor for Churston and Galmpton and the Chairman of the Broadsands, Churston and Galmpton Neighbourhood Forum. Councillor Kennedy advised that she would not be

excluding herself from consideration of the application in respect of 8 Tor Close, Paignton, TQ4 6LB (P/2022/0625) and confirmed that she had not predetermined the application, that she would listen to what was said at the Committee and would engage in questions and debate and then make a decision on the application having heard the submissions from all parties.

10. 8 Tor Close, Paignton, TQ4 6LB P/2022/0625

The Committee considered an application for the formation of side and rear extension and fenestration changes to existing dwelling and construction of new dwelling in adjacent garden with associated works.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website. At the meeting Richard Walsh and Claire Malkin addressed the Committee against the application. Kathleen Lund addressed the Committee on behalf of the Broadsands, Churston and Galmpton Neighbourhood Forum. In accordance with Standing Order B4 Councillor Mills addressed the Committee.

Resolved:

That the application be refused for the following reasons:

- 1) The proposed development would result in a cramped form of development, resulting in an overdevelopment of the site that is not in keeping with the character of the area and locality, and which fails to reflect the local Broadsands Village Design Statement. As such it is considered that the proposed development would result in unacceptable harm to the character and visual amenities of the locality. The proposal is considered to fail to accord with Policy DE1 of the Adopted Torbay Local Plan 2012-2030 and Policy BH5 and The Broadsands Village Design Statement of the Brixham Peninsula Neighbourhood Plan and the guidance contained in the National Planning Policy Framework, in particular paragraphs 126, 130 and 134.
- 2) The rear single storey extension to the existing dwelling, by reason of its siting and scale would have an unacceptable impact upon the occupiers of No. 7 Tor Close resulting in an overbearing impact and loss of light to this property. The proposal fails to accord with Policy DE3 of the Adopted Torbay Local Plan 2012-2030 and the National Planning Policy Framework, in particular Paragraph 130.

(Note: prior to consideration of this item Councillor Mills, moved to the public gallery and left the room following her representation that was permitted under Standing Order B4.)

11. Splashdown Quay West Water Park, Tanners Road, Paignton TQ4 6LN P/2021/1093

The Committee considered an application for the formation of leisure facilities including waterslides, and indoor play and climbing centre. Relocation of reception

area. Formation of car park and access to staff car parking spaces and railway. Alterations to arcade/cafe/kiosk building and refuse area. Re-landscaping. Altered boundary treatments and entrance arrangements.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website. At the meeting Mr Annen and Mr Richmond addressed the Committee in support of the application. In accordance with Standing Order B4, Councillor Chris Lewis addressed the Committee.

Resolved:

Approved, subject to:

1. The conditions set out in the submitted report with the following amendment:

'Drainage

In accordance with 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 ~~30%~~ **40%** for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.';

with the final drafting of conditions delegated to the Divisional Director of Planning Housing and Climate Emergency;

2. The completion of a Section 106 Legal Agreement to secure the heads of terms as set out in the submitted report, in accordance with the adopted Planning Contributions and Affordable Housing Supplementary Planning Document, on terms acceptable to Officers; and
3. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning and Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Chairman/woman

TORBAY COUNCIL

Application Site Address	284 Totnes Road, Paignton, TQ4 7HB
Proposal	Proposed New Vehicle Wash and Valeting Service Station
Application Number	P/2022/0295
Applicant	Mr M Omar
Agent	Mr J Ling-Cottery
Date Application Valid	17.03.2022
Decision Due date	12.05.2022
Extension of Time Date	n/a
Recommendation	Refusal
Reason for Referral to Planning Committee	The application has been referred to Planning Committee because it is on land owned by Torbay Council, is not a minor variation to an existing planning permission, and the application has received objections from neighbours, the Council's constitution requires that the application be referred to the Planning Committee for determination.
Planning Case Officer	June Pagdin

Location Plan



Site Details

The application site, 284 Totnes Road, Paignton is a hard-surfaced site owned by Torbay Council on the north east corner of the crossroads of the A380 (Brixham Road/Kings Ash Road) and A385 (Totnes Road).

The site is roughly triangular; 44.7m long and 18m wide at the northern end tapering to 4m wide at the southern end. The area is approximately 525sqm. A narrow strip on the western boundary abutting the footway on Kings Ash Road is Highways land reserved for future junction alterations.

The eastern boundary is formed by a high wall along the side of the residential property at No 282 Totnes Road. The northern boundary is formed by walls that back onto a private access road that runs behind the houses on Totnes Road. A wire fence surrounds the site.

The site is hard-surfaced and a small triangular area in the north east corner has a 2-3m high flat roof. The vehicle access to the site is in the north west corner of the site at the junction of the private access road and Kings Ash Road. The road is marked with yellow hatching and the vehicle access slopes downwards to the junction.

The site forms part of the built-up area of Paignton. The crossroads junction is known as Tweenaways Cross and is a gateway to Paignton from the west and on the main north south route between Torquay and Brixham.

Policy PNP22 of the Paignton Neighbourhood Plan identifies the Western Corridor (Kings Ash Road/Brixham Road) as a location where developer contributions towards road improvement costs and improvements to safe Active Travel (pedestrian, bus and cycling routes and facilities) would be sought. Tweenaways Cross is identified (para 6.118) as a major bottleneck with long traffic queues where improvement to the traffic capacity is required in order to accommodate proposed growth. The Policy also identifies the area as having unsatisfactory provision for active travel.

Description of Development

The application seeks temporary planning permission (lease of 9 years) to use the site as a vehicle wash and valet service station (sui generis- in a class of its own) as follows:

- Access from Kings Ash Road using existing entrance
- 10 - 20 car spaces
- wash area against eastern boundary wall
- valet area on north end of site close to access point
- both areas 10m x 5m under 4.5m high steel-framed cantilevered canopies

- 2m high polycarbonate splash-screen along western boundary to Kings Ash Road
- welfare cabin (prefabricated WC and office), 2.5m high, 15sqm on southern end of the site
- surface drainage attenuation with silt and oil trap discharge into foul sewer
- foul sewage to discharge into mains foul sewer
- private trade waste collection
- no employment details given
- hours of opening: 9am to 6pm in winter, 9am to 7pm in summer, 7 days per week.

NB all measurements are approximate.

Pre-Application Enquiry

None.

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 Paignton Neighbourhood Plan ("The Neighbourhood Plan")

Material Considerations

- National Planning Policy Framework (NPPF 2021)
- 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/1985/1921: Use as Fish and Chip Shop. Refused 19.08.1985. Allowed on appeal.

P/1987/1895: Alterations and use of premises as a car showroom with access ramp at rear. Approved 24.05.1988.

P/1988/0028: New Shopfront for Car Showroom. Refused 22/03/1988. Reason: highway safety and obstruction from cars emerging onto Kings Ash Road.

P/1988/0969: New Showroom Front. Approval 03.03.1989.

P/1993/1105: Non-illuminated Hoarding Signs. Withdrawn 23.12.1993.

P/1998/0671: Demolition of Disused Fish and Chip Shop. Approved 30.06.1998.

P/1999/1353: Change of Use to Sale of Ceramic Wall and Floor Tiles. Approval 15.11.1999.

P/2004/0349: Erection of fence around perimeter of car park (As revised by plans received 13.04.2004). Refused 16.04.2004. Reason: height, prominent location and materials being visually intrusive and detrimental to street scene.

P/2020/0090: Installation of Internally Illuminated LED-poster. Withdrawn 15.07.2020.

Summary of Representations

Neighbour letters were sent out on 1st April 2022.

Twenty five responses were received; 24 objections and 1 in support of the application. Comments can be summarised as:

Objections

- Any gap in the wall would result in water running into No 282 Totnes Road and causing damp.
- Water run-off from the site would erode damaged surface of private road to north
- Surface water drainage will contain chemicals and drain down the private road into the watercourse
- There is already one car wash adjacent to No 238 (130m away)
- The proposed access point is not safe
- Tweenaways Cross junction is extremely busy - accidents occur and loss of life
- If vehicles block the entrance over the pavement, pedestrians will have to walk into the road
- Queuing customers will either block the highway or block a private accessway
- Queuing cars would block the left turn lane on Kings ash Road for Paignton and the zoo
- Private access lane to rear serves residential properties and needs to be kept clear and not be blocked by queuing/manoeuvring cars - how would that be enforced?
- The private access is already used as a rat run
- Suggest a Box junction camera

In Support

- All vehicles will be encouraged to enter and leave King's Ash Road through use of clear signage and on-site direction.
- Clear and unobstructed access will be maintained to the existing vehicle cross-over onto the highway
- Will avoid reliance on the land to the rear of Totnes Road.

Summary of Consultation Responses

Community Safety: No objections.

Highways: Objections relating to safety of access/egress from Kings Ash Road and queuing back along A380. Confusing highways access layout. Amendments sought to prevent turning right into and out of the site. Use of Highways land may be time limited and built structures limited. Requested swept paths for a car, emergency vehicle and refuse vehicle, a Refuse Management Plan, PIC data, TRICS output and average dwell time on site requested.

Drainage: the development is located in Flood Zone 1 and due to the risk of contamination the use of infiltration drainage is not feasible, the developer is proposing a controlled discharge to the combined sewer system, please use the recently agreed standing advice for this planning application.

South West Water: Can supply potable water to the site. Foul water and waste water can be discharged to foul sewer. Surface water drainage for the site discharge to a local waterbody. Therefore, surface water may only be discharged to surface water sewer provided that it is confirmed that there is no trade effluent.

DCC Ecology: Impact on South Hams SAC – request a condition over lighting. Concern over surface water drainage into watercourse that flows into Clennon Woods CWS. Request clarification whether water impacts on the local designated site. (See under 5. Ecology and Biodiversity).

Key Issues/Material Considerations

1. Principle of development
2. Impact on Visual Amenity
3. Impact on Residential Amenity
4. Impact on Highway Safety
5. Ecology & Biodiversity
6. Flood Risk and Drainage
7. Low Carbon and Sustainability

Planning Officer Assessment

1. Principle of development

The proposal seeks permission for temporary use of the site as a commercial car wash and valet station.

The site was previously in use for commercial retail purposes. However, previous structures have been removed from the site, except for a small, triangular, flat, 4m high roof supported by the eastern and northern boundary walls. Part of the site along the western boundary is reserved for future highway works.

The site is within the built-up area of Paignton. Policy SS4 of the Torbay Local Plan encourages new businesses and investment to create jobs and supports expansion and diversification of the economy. The Policy states that the Council will, in principle, support proposals that deliver employment space and high value jobs. The submitted information does not specify the number of jobs likely to be created by the proposed development or the skill level. However, it can be assumed that some jobs would be created.

Policy SS5 aims to see sufficient high-quality employment space and environmental improvements provided on existing and newly allocated sites and in urban renewal projects. The proposal is for a temporary use and does

not propose new employment space except for a prefabricated welfare cabin (WC/office), perspex screen and temporary cabins.

Policy PNP1 (Area-Wide) supports developments that provide new employment together with infrastructure improvements and developments that reduce the need to travel, involve new technologies and assist moving towards a low carbon economy. The current proposal is for temporary use for nine years pending junction improvement works. As such, the proposal would not contribute to these longer term aims. In the vicinity there is another provision for car washing and valeting 130m away on Totnes Road).

While there are no Development Plan policies indicating that the proposed use is not acceptable in principle, this is subject to other planning policy considerations such as transport, visual and environmental impacts and other relevant material considerations, which will be discussed in more detail below.

2. Impact on Visual Amenity

Paragraph 126 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 134 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 DE1.15 highlights that new developments should make the most of opportunities to restore/improve gateways into the Bay and to create a focal point.

Policy PNP1(c) of the Paignton Neighbourhood Plan states that development proposals should where possible and appropriate to the scale and size of the property, to be in keeping with the surroundings respecting scale, design, height, density, landscaping, use and colour of local materials.

The proposal would be on a prominent gateway site at the entrance to the Bay from the west on Totnes Road and on the north south route along the A 380. The three other corners have development set back from the junction; housing on the opposite corner is set behind a grassed and treed slope. The retaining wall on the south east corner is a stepped, curved brick wall with ornamental timber fence. The north west corner is under development; approved plans show the proposed building set back from the corner behind soft landscaping and retention of mature trees.

The appearance of the site is currently open. The proposed welfare cabin, canopies and Perspex screen would not enhance the site or create a focal point in the short or long terms. The use itself results in paraphernalia distributed within the site and the Perspex screen is likely to retain

soap/water/dirt splatters adversely affecting its appearance. This would be in contrast to the recent efforts to improve the visual appearance of the junction. Given the siting, scale, and design of the proposal it is considered that the proposal would result in unacceptable harm to the character and visual amenities of the locality.

The proposal, consequently, would be contrary to the aims of Policies DE1 of the Local Plan and 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 should provide a good level of amenity for future residents and should not unduly impact upon the amenity of neighbouring properties and surrounding uses.

The proposal would not cause loss of privacy, loss of light or overbearing impact on the neighbouring occupiers.

The proposed hours of operation are during the day time and coincide with the higher levels of use of the roads around the site and the Tweenaways Cross junction. However, a Noise Assessment was not submitted so the impact of the noise (of water jets, valet vacuums and general noise from the additional movement of cars) over and above the roads cannot be assessed.

Residents have objected to the potential for water running into the adjacent property if the wall did not retain the water used in the car wash. The washing bay is shown as abutting the wall that adjoins the residential property at No 282 Totnes Road. It overlaps for a short distance the flank wall of the house. A scheme for ensuring that water does not adversely affect that party wall and property has not been submitted. Party wall matters are covered by the Party Wall Act and not planning matters.

The submitted Technical Note (Transport and Access) at paragraph 2 proposes use of the rear private lane to access the application site. Surrounding residents have objected to the use of this private access road. The road serves the rear of residential properties in Totnes Road and Kings Ash Road and provides the only access to a few residential properties. The amended comment from the applicants that customers would be discouraged from using the rear access lane. Residents have commented that this would be difficult to enforce.

While enforcement of private rights of access is not a planning matter, the provision of adequate access to serve a proposed development is a planning matter and this is considered under the Highways section of this report.

Given the lack of submitted noise assessment, the Council has not been able to fully assess the impact on neighbouring amenity.

The proposal is not considered to be in accordance with Policy DE3 of the Local Plan.

4. Impact on Highway Safety, Access and Parking

Policy TA2 of the Local Plan states that 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 PNP22 of the Paignton Neighbourhood Plan identifies the Western Corridor (Kings Ash Road/Brixham Road) as a location where developer contributions towards road improvement costs would be sought and improvements to safe Active Travel (pedestrian, bus and cycling routes and facilities). Tweenaway Cross is identified (para 6.118) as a major bottleneck with long queues where improvement to the traffic capacity is required in order to accommodate proposed growth. There is currently unsatisfactory provision for active travel in this area. Developments that exacerbate the traffic issues in this area without providing satisfactory design or other solutions fall contrary to the objective of this policy. New developments are also required to demonstrate improvements to safe Active Travel provisions.

The Highways Authority has objected to the proposed access layout as likely to result in queuing along Kings Ash Road and so adding to the existing acute congestion at the junction. They have also requested additional information in the form of swept paths for large cars accessing, turning and egressing the site in forward gear. This has not been provided.

The Highway Authority has also objected to the layout of the proposed access, allowing right hand turns into the site across four lanes of traffic from Kings Ash Road south and egress from the site to the north. This is considered to adversely impact traffic safety at the junction and in the vicinity.

The proposal would add to the existing congestion and undermine the safety of the junction but make no contribution to improving the road or improving safe Active Travel.

Consequently, the proposal is contrary to Policy TA2 of the Local Plan and Policy PNP22 of the Paignton Neighbourhood Plan.

Policy TA3 and Appendix F of the Local Plan states the minimum dimensions for parking spaces as 4.8m x 2.4m. A parking layout for the site could be secured by a condition on a planning decision.

Policy DE3 and Policy PNP1(e) of the Paignton Neighbourhood Plan states that new development should aim to achieve space for solid waste storage within the curtilage and that this be out of sight as far as practicable. The Highway Authority has also requested a detailed refuse management plan for the site, which could be secured by a condition on a planning decision. However, the submission of swept path diagrams is required before this can be assumed to be practicable.

The proposal is considered unacceptable with regards to Policies TA2 and DE3 of the Local Plan and PNP1(e) of the Paignton Neighbourhood Plan.

5. Ecology & Biodiversity

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

The application has not been accompanied by an ecological survey report. The application site is not considered likely to provide suitable habitat for protected species. Nevertheless, a precautionary approach to any works on the site can be advised by informative further to Policy NC1 of the Local Plan.

The surface water drainage system discharges into the Clennon Valley and flows through the Clennon Wood County wildlife site. The development could result in oil and particulate pollution of the waterway. Therefore, use of the surface water sewer is not appropriate and is not proposed (see Drainage Section below). Run-off from the vehicle access currently occurs and would continue but would not significantly increase as the valet service would be near the entrance while car washing would be further into the site.

6. 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 Flood Zone 1. The surface water drainage system discharges into the Clennon Valley and flows through the Clennon Wood County wildlife site.

The application is accompanied by a Flood Risk Assessment, which proposes an attenuation tank with silt and oil filters on site and discharge into the Foul Public sewer (not the surface water sewer).

Torbay Council's Drainage Section has no objection to the development provided the proposed drainage system to the foul sewer is installed prior to first use. Given the nature of the proposal, the intended means of drainage (filter and attenuation and discharge into foul sewer) are considered acceptable having regard to the adopted Standing Advice. This could be secured by a condition on planning permission.

The proposal is therefore considered to be in accordance with Policy ER1 of the Local Plan and Policy PNP1 (i) of the Paignton Neighbourhood Plan.

7. Sustainability and Low Carbon

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The proposed use would support the use of cars as a mode of transport.

Policy ES1 seeks to ensure that carbon emissions associated with energy use from new developments are limited. It is not known whether the source of energy used on the site would be renewable.

Policy ER2 seeks that all developments reduce water being discharged into shared sewers and provide for efficient use of water including its reuse and recycling. The proposal includes oil and silt filtering within the drainage scheme and use of the combined sewer to prevent pollution of waterways. However, the proposed use would make intensive use of water and increase the run-off from the site.

Statement on Human Rights and Equalities Issues

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

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

Local Finance Considerations

None.

Planning Balance

The proposal would, in principle be acceptable further to Policy SS4 in creating some temporary employment. However, the scheme is considered to be visually intrusive and result in adverse impacts on the street-scene on a prominent gateway to the Torbay area contrary to Policy DE1. The proposed use and vehicle access would

adversely impact highway safety and congestion at an extremely busy junction, contrary to Policy TA2. In addition, the LPA has been unable to assess whether the proposal would have adverse impacts on neighbour amenity in terms of noise nuisance, further to Policy DE3. Therefore, on balance, the proposal is not considered to be acceptable.

Conclusions and Reasons for Decision

The proposed development is considered unacceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

Officer Recommendation

Refusal for the following reasons:

Reasons:

1. Visual Impact

Due to the nature of the proposed use, materials and design and the prominent position of the site, the development would be immediately visible in the street-scene and from publicly accessible viewpoints. The welfare cabin, canopies and Perspex screen would adversely impact the street-scene and fail to enhance the appearance and character of the area. In addition, the proposal would not provide a focal point or an enhancement of this gateway between Torquay and Paignton. As such the proposal would result in unacceptable harm to the quality and visual amenities of the locality contrary to Policy DE1 of the Torbay Local Plan, Policy PNP1(c) of the Paignton Neighbourhood Plan and the guidance contained in the National Planning Policy Framework.

2. Neighbour Amenity

Due to the siting, scale, and design of the development it is considered that the proposal could result in an unacceptable noise nuisance to surrounding premises.

Insufficient information was submitted to enable a proper assessment of this impact. The proposal is, therefore, not considered to be in accordance with Policy DE3 of the Local Plan and guidance contained in the National Planning Policy Framework.

3. Highway Safety and Congestion

The proposal fails to make adequate provisions for safe vehicle access to the site. The proposal would adversely impact highway congestion and safety in the vicinity of the site. In addition, it fails to make improvements to the road network or safe Active Travel in the vicinity. Consequently, the proposed use and design are contrary to Policy TA2 of the Torbay Local Plan, Policy PNP22 of the Paignton Neighbourhood Plan and guidance contained in the National Planning Policy Framework.

Informatives

1. 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 with the applicant in a positive and proactive way by clearly setting out concerns relating to the proposal and providing an opportunity for the applicant to withdraw the application. However, the applicant elected not to withdraw the application, thereby resulting in this refusal of planning permission.

Relevant Policies

The proposed development has been tested against the following policies of the Development Plan and other relevant material considerations:

Torbay Local Plan

DE1 - Design
DE3 - Development Amenity
ER1 - Flood Risk
ER2 - Water Management
ES1 - Energy
NC1 - Biodiversity and Geodiversity
SS3 - Presumption in favour of Sustainable Development
SS4 – The Economy and Employment
SS5 - Employment Space
TA2 - Development Access
TA3 - Parking Requirements

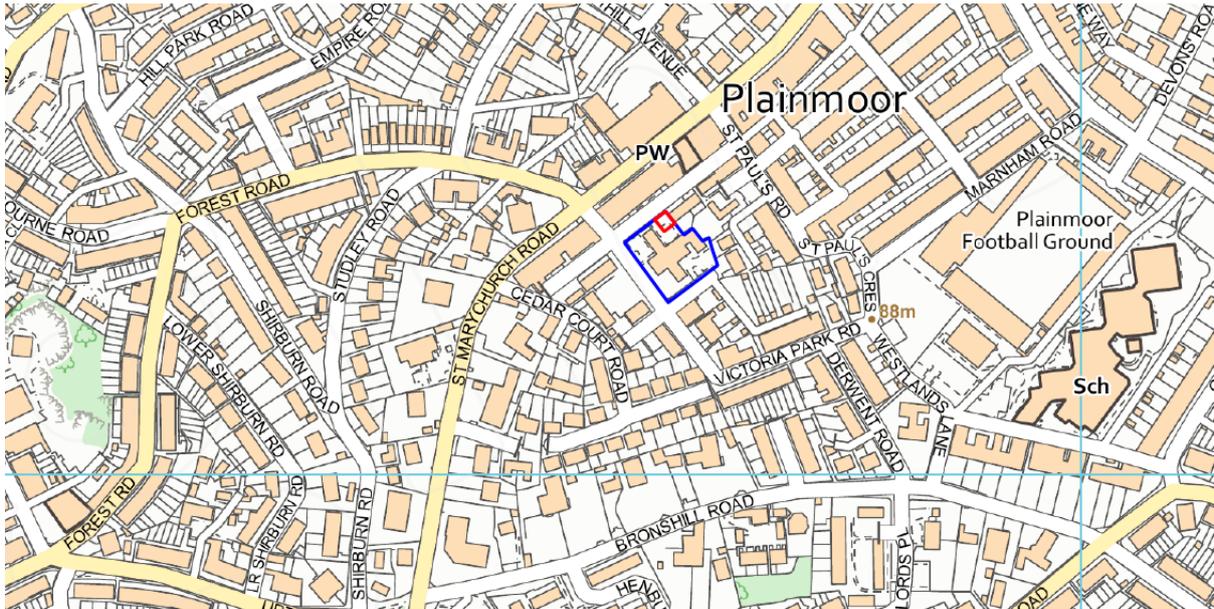
Paignton Neighbourhood Plan

PNP1- Area Wide
PNP1(c) – Design Principles
PNP22 – Western Corridor
PNP1(e) – Commercial Development
PNP1(i) – Surface water

TORBAY COUNCIL

Application Site Address	St Edmunds, Victoria Park Road, St Marychurch, Torbay TQ1 3QH
Proposal	Construction of two single-storey one-bedroom temporary living spaces and associated landscaping including works to existing car park.
Application Number	P/2022/0741
Applicant	T Harris, Torbay Council, Community and Customer Services
Agent	Mr S Turner, Agile Property
Date Application Valid	06.07.2022
Decision Due date	31.08.2022
Extension of Time Date	14.10.2022
Recommendation	Approval subject to: 1. The planning conditions outlined below, with the final drafting of planning conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency. 2. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional 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 application has been referred to Planning Committee because it is on land owned by Torbay Council, is not a minor variation to an existing planning permission, and the application has received objections from neighbours, the Council's constitution requires that the application be referred to the Planning Committee for determination.
Planning Case Officer	June Pagdin

Location Plan



Site Details

The application site comprises a grassed area, in the grounds of St Edmunds Community Care Centre, on the Victoria Park Road frontage in the St Marychurch area of Torquay. The site is owned by Torbay Council. St Edmunds is a three-storey, flat-roofed building finished in grey brick. There are three small car parks and landscaping to the road frontages. On the south west side is a temporary housing unit permitted under planning application P/2020/0146.

The application site covers an area of approximately 120sqm on the road frontage on the north of the Care Centre site. It is fronted with a low timber fence and currently contains a set of waste bins for the Care Centre in a protective wire enclosure.

The site lies on the northeast side of the vehicle entrance to one of the Care Centre car parks. Part of the road outside the site is marked with yellow zigzag lines relating to the car park entrance. To the east of the site is No 8 Victoria Park Road, a single storey end-of-terrace residential property with gardens enclosed by a low fence to the front and hedge to the rear.

On the opposite side of Victoria Park Road are the rear of houses on St Marychurch Road, which contain a variety of open parking areas, small outbuildings and amenity areas.

The site is in the built-up area of Torquay. It is close to Plainmoor Local Centre and is outside the boundary of the Community Investment Area.

Description of Development

Temporary planning permission is sought for five years for use of the application site for Moving-On accommodation (under the Government's Rough Sleeper Initiative) and temporary construction of two single storey one-bedroom dwellings:

- Two separate modular buildings each with internal GIA of 24sqm (4.6m wide x 7m deep)
- Each contains habitable space, a shower/WC and kitchen counter
- Shared entrance deck, front doors face Victoria Park Road
- External materials - timber larch cladding
- Eaves height 3.4m
- Mono-pitch roofs, ridge height 4m
- Provision within front of site for refuse and recycling bins
- Provision within site for bicycle parking
- landscaped area to rear
- existing care home bins relocated to south side of St Edmunds grounds

The submitted supporting statement sets out that the accommodation would be provided for "eligible people"; that is people already sleeping rough or at risk of doing so. Torbay Council would manage the lettings. Occupants would be given temporary accommodation (from 2 weeks to 2 years) while other support services assist them in moving on.

NB all measurements are approximate.

Pre-Application Enquiry

Informal advice sought prior to submission of application.

Relevant Planning Policy Context

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

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Torquay Neighbourhood Plan ("The Neighbourhood Plan")
- Healthy Torbay Supplementary Planning Document (HTSPD)

Material Considerations

- National Planning Policy Framework (NPPF 2021)
- 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/2020/0146: Single storey, 1 bed dwelling. (Temporary affordable housing).
Approved 02.04.2020.

P/2020/1317: Non-material amendment relating to application P/2020/0146 -
Replacement of the timber cladding to the roof of the proposed modular home with
slate/anthracite grey roof covering. Approved 22.01.2021.

Summary of Representations

Neighbour letters were sent out on 11th July 2022. A site notice was displayed on
11th July 2022.

Two responses were received. The comments can be summarised as:

- the Care Centre attracts a lot of staff parking that spills over onto surrounding roads
- there is not sufficient parking for residents
- construction vehicles would cause road congestion and take up parking spaces
- where would the refuse bins be relocated to?

Summary of Consultation Responses

Community Safety: No objections subject to a Construction Management Plan (pre-commencement condition).

Drainage: The developments are in Flood Zone 1. As there is insufficient room on the site for infiltration, the developer is proposing to discharge surface water to the public sewer at a controlled rate. Providing the surface water drainage is constructed in accordance with the submitted hydraulic design I have no objections on drainage grounds to planning permission being granted for this development.

Highways: The Standing Advice applies to this proposal. If the Development fails to meet the requirements of the HSA, it should be considered as an objection by the Local Highway Authority.

Key Issues/Material Considerations

1. Principle of development
2. Impact on Visual Amenity
3. Impact on Residential Amenity
4. Impact on Highway Safety
5. Ecology & Biodiversity
6. Flood Risk and Drainage
7. Low Carbon and Sustainability

Planning Officer Assessment

1. Principle of development

The proposal is for two single-storey, temporary dwellings to provide affordable housing for people with acute housing need. Local Plan Policy SS13 aims to provide additional housing and maintain a five-year supply of

deliverable housing sites. Policy SS11 aims to improve the sustainability of existing communities in Torbay, enhance the quality of life for residents and, especially, to close the gap between the most and least disadvantaged neighbourhoods. Policy H1 seeks to provide a range of homes on allocated and unallocated sites to meet assessed needs and to create mixed, balanced communities with high quality living environments. Policy H6 supports measures to help people live independently and to live active lives within the community.

The NPPF 2021 (paragraph 11) sets out the presumption in favour of sustainable development. For decision-making this means that where the development plan policies are out-of-date permission should be granted unless the impacts of doing so would demonstrably and significantly outweigh the benefits when assessed against the NPPF taken as a whole. "Out-of-date" is defined as not having a five-year supply of deliverable housing sites or where the delivery of housing over the previous three years was below (less than 75% of) the requirement.

The Council cannot demonstrate a 5-year housing land supply or the required 3-year housing delivery. The site is within the built-up area in a sustainable location and would increase the residential use of the site, providing two self-contained units. The proposal would therefore comply with Policy H1 of the Local Plan.

In addition, Policy H6 of the Local Plan seeks to support the provision of housing for people in need of care and support. While the proposed dwellings would not constitute sheltered housing or a residential institution (such as a care home), the proposed dwellings would provide temporary accommodation to people in acute housing need, particularly young people. The Applicants have emphasised that the new Moving-On accommodation will provide accommodation of a high quality together with support services to provide a pathway to settled accommodation and preparing the occupants for independence.

Each self-contained unit will have its own kitchen with cooking facilities, bathroom and living/sleeping area. The proposed accommodation will be on short leases of 2 weeks to 2 years, with renewal depending on needs assessment.

Occupants would be provided with additional support where necessary through local services including Community Care Services at St Edmunds House. The property would be managed by Torbay Council and leases would be flexible in length while the occupants aim towards more permanent housing. These are material considerations in the light of the explanation to Policy H6 of the Local Plan.

The standards for permanent housing are not met by the accommodation (see Amenity and Highway sections of this report) and therefore it is recommended

that a condition be applied restricting the use of the units to Moving-On accommodation for people at risk from rough sleeping.

In principle, and subject to the recommended condition, the proposal is therefore considered to be consistent with Policies H1 and H6 of the Torbay Local Plan.

2. Impact on Visual Amenity

Paragraph 126 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 134 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 proposals must be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

Given its siting, scale, and design, it is considered that the proposal would not result in unacceptable harm to the character or visual amenities of the locality. The proposed dwelling houses would be small-scale additions that would be relatively low in height, and not exceed the ridge height (4m) of the existing row of single storey terraced houses on Victoria Park Road.

The external surfaces of the walls would be finished with larch timber cladding. The proposed dwellings would have a modern and contemporary design that would, to some extent, differ in appearance from many of the buildings in the surrounding area. However, the area has some diversity in terms of built form, and the southwestern part of St Edmunds House and the previously approved temporary unit include timber cladding and a low timber boundary fence. The proposed single-storey dwelling house would be much smaller in scale than the three-storey St Edmunds House building.

The timber fencing on the site frontage would be partly removed to enable access from the footway. The remainder would be retained. An area of planting would be provided on the front of the site together with an entrance area with a gravel surface. Implementation of the landscaping can be secured by condition and this is recommended.

The proposed dwellings would be sited on shallow, gravel-filled footings, meaning that the site could be restored close to its current condition following the removal of the dwelling house in the future. A condition is proposed that would ensure that the land is reinstated to an appropriate condition following the removal of the temporary building.

The proposal is considered to be in accordance with Policy DE1 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 should provide a good level of amenity for future residents and should not unduly impact upon the amenity of neighbouring properties and surrounding uses.

Future occupants

Each self-contained unit will have its own living space (bed/lounge/dining), kitchen area with cooking facilities and bathroom. With regards to the floor areas of the self-contained units, each unit is for one person. Under the Nationally Described Space Standards the floor area should be 37sqm. However, the nature of this proposed use is different from fully independent living on a permanent basis. Therefore, although the units have smaller floor areas, the accommodation is designed to provide adequate safety and space for the proposed occupants many of whom have no accommodation or are in emergency accommodation. The bathroom windows would require obscure glazing.

The shared access deck and landscaped areas would provide approximately 26sqm of amenity area, which meets the requirements of Policy TWH4 of the Torbay Neighbourhood Plan for 10sqm per unit. Although these would be visible from the street, they would be semi-private. The temporary nature of the scheme requires that the landscaping be easily maintained and/or removable at the end of the use of the site for the proposed purpose. Details and implementation of the indicated landscaping and gates/boundary treatment can be secured by a condition.

The overall floorspace and amenity provision for the two units is considered acceptable subject to the use of the site being limited by condition to being temporary for five years to enable assessment of the accommodation in meeting the needs of the target population.

Refuse and recycling bins would be in a store on the site frontage. Details of the store can be secured by a condition and this is recommended. It is recommended that a condition is imposed requiring details of the hard landscaping materials be submitted for approval in order to ensure they are appropriate to the setting.

Neighbouring occupants

The property most likely to be affected is No 8 Victoria Park Road. The proposed unit adjacent to No 8 Victoria Park Road would not project forward of the front elevation or behind the rear elevation of that existing house and, consequently, would not result in loss of day/sunlight or outlook to the

windows to habitable rooms. The existing and proposed houses have no side windows so overlooking between them would not arise.

The second unit would be positioned 5.5m away from the existing house and project forward by 2m and would not result in significant loss of light or outlook to No 8.

Given its siting, scale, and design, it is considered that the proposal would not result in any unacceptable harm to the amenities of neighbours. The proposal is considered to be in accordance with Policy DE3 of the Local Plan.

4. Impact on Highway Safety, Access and Parking

Policy TA3 and Appendix F of the Local Plan states that flats should be provided with 1 on-site parking spaces for motor vehicles, cycle storage, and provisions for the storage of refuse bins and recycling boxes. Policy TH9 of the Neighbourhood Plan states that the parking requirements set out in the Local Plan must be complied with, 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.

The cohort of residents is such that car ownership is not at all likely. The nature of the use is different from a permanent long-term dwelling and occupation will be managed by Torbay Council's Housing Team. The site is well located in respect of local amenities at Plainmoor Local Shopping Centre and public transport. The proposal includes an area for cycle storage of one cycle per unit. The area in front of Unit A could accommodate the required space (2m x 1.5m) below the window sills of Unit A (1.6m above ground level). Details of the design and materials of a secure weatherproof storage can be secured through a planning condition and this is recommended.

Consequently, the proposal is considered acceptable with regards to Policies TA2, TA3 and Appendix F of the Local Plan and Policy TH9 of the Torquay Neighbourhood Plan.

5. Ecology & Biodiversity

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale. Policy TE5 of the Torquay Neighbourhood Plan cites that where there may be an impact development should be accompanied by an assessment of impacts upon any existing protected species or habitats and as necessary provide mitigating arrangements in order to protect and enhance those species and habitats.

The application site comprises a small-grassed area containing a bin store within the built-up area. Protected species are not considered likely to be present as the site offers no suitable habitat. The proposed landscaping of the site offers an opportunity to provide native plants. Subject to a condition

to secure the details and implementation of the landscaping of the site, the proposal is considered to be in accordance with Policy NC1 of the Local Plan, Policy TE5 of the Neighbourhood Plan, and the guidance contained within the NPPF.

6. 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 in an area that has been identified by the Environment Agency as being at risk from surface water flooding. The application is accompanied by a drainage report which states that the site does not present adequate space for surface water drainage to be achieved via soakaways on site, and that surface water would be discharged via an attenuation system at a controlled rate into the combined sewer.

Given the nature of the proposal, the intended means of surface water drainage would be acceptable having regard to the adopted Standing Advice and subject to an appropriate drainage condition, the proposal is considered to be in accordance with Policy ER1 of the Local Plan.

7. Sustainability and Low Carbon

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. Policy ES1 seeks to ensure that carbon emissions associated with energy use from new buildings are limited. The Design and Access Statement (D&AS). in Section 9, sets out the proposed homes are designed using Passivhaus principles with high u-values, air tightness, ventilation and insulation. The construction materials used are pre-fabricated renewables (timber, straw and clay) with low levels of toxic materials. Construction takes place on site following ground preparation. Initial build can take 1-2 days and fit-out and landscaping takes approximately 6-8 weeks. The D&AS in Section 10 specifies that construction would occur between 8am and 6pm on weekdays. This can be reinforced by an hours of construction condition in place of a Construction Management Plan.

Statement on Human Rights and Equalities Issues

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

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector

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

Local Finance Considerations

Not liable for CIL or for S106 obligations. The proposed scheme is part funded by Central Government grant under the Rough Sleepers Accommodation Programme (RSAP) which is subject to time schedule constraints.

Planning Balance

The proposal would provide a temporary affordable housing solution that would be managed by Torbay Council as a means of short-term residential accommodation for vulnerable people. The proposal would therefore accord with the Development Plan aspirations relating to housing delivery and specifically to the provision of housing for people in need of care. Although the proposed dwelling house would be smaller than the dwelling space standards set out in Policy DE3 of the Local Plan and would not accord with the guidelines for on-site vehicle parking for dwelling houses set out in Policy TA3 and Appendix F of the Local Plan, it is considered that the quality of the proposed residential accommodation would be acceptable given the intended occupancy cohort, temporary use and short-term leases. The proposal would not result in any significant impact on highway safety and amenity, and any potential negative impacts of the proposal would not be significant and would be outweighed by the social benefits of the proposal.

Conclusions and Reasons for Decision

The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

Officer Recommendation

Approval subject to:

1. The planning conditions outlined below, with the final drafting of planning conditions delegated to the Divisional 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 Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Conditions

1. Temporary use

The development hereby approved shall be completely and permanently removed from the application site within 60 months (5 years) of the date of

this permission. Within 9 months of the removal of the dwellings the land shall either be returned to its former condition or landscaped in accordance with a landscaping scheme which shall have been submitted to and approved in writing by the Local Planning Authority within 8 weeks of the removal of the dwelling from the site. The approved landscaping scheme shall be fully implemented within 9 months of the removal of the dwelling or in accordance with a timetable to be agreed as part of the landscaping details.

Reason: Because this application is for a temporary permission and this is the basis on which the application has been assessed and in the interests of visual amenity and the amenities of the future occupiers and occupiers of neighbouring properties, and in accordance with Policies DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030, and Policy TH8 of the Torquay Neighbourhood Plan.

2. Use

The properties hereby permitted shall only be used as Moving -On accommodation for people at risk from rough sleeping in accordance with the Government's Rough Sleeper Initiative (and subsequent equivalents) and not as permanent residential dwellings.

Reason: In the interests of residential amenity and to ensure the use of the site accords with Policies H1, H6 and DE3 of the Torbay Local Plan. Any variation from the use applied for must, therefore, have the express approval of the Local Planning Authority.

3. Hours of Construction

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.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development

4. FRA

The development shall be implemented in accordance with the drainage strategy hereby approved (Referenced P-202-0741-2 and P-2022-0741-4, received on 21.06.2022) which shall be provided in accordance with the approved details prior the occupation of the dwellings hereby approved and shall be retained and maintained in working order for the lifetime of the development.

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

5. Materials

The larch cladding used for the external walls of the development hereby approved shall be natural timber larch cladding and shall be retained and maintained as such for the lifetime of the development.

Reason: In the interests of visual amenity and in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan.

6. Obscure Glazing to bathrooms

Prior to the occupation of the dwelling house hereby approved, the bathroom windows 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 a 100mm opening restrictor. These windows shall thereafter be 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 Adopted Torbay Local Plan 2012-2030.

7. Bin stores

Prior to the first occupation of the development hereby permitted details of the proposed refuse and recycling bin enclosure and their locations on the site shall be submitted to and agreed in writing by the Local Planning Authority. The bin enclosure shall be provided in accordance with the approved details prior to first occupation and retained thereafter.

Reason: To ensure a satisfactory completion of development and protect the amenity of future and neighbouring occupants in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

8. Cycle storage

Prior to the first occupation of the development hereby permitted details of the proposed secure and weatherproof bicycle storage facility for two cycles shall be submitted and agreed in writing by the Local Planning Authority. The cycle storage facilities shall be provided in accordance with the approved details prior to first occupation and retained thereafter.

Reason: In the interests of reduction of carbon fuel usage and residential amenity, and in accordance with Policies DE3, TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030 and Policy TH9 of the Adopted Torquay Neighbourhood Plan 2012-2030.

9. Landscape scheme implementation

Notwithstanding the approved landscape and floorplans, 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 plants which within the time period of this permission 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 prior to 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 Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030.

Informatives

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

Relevant Policies

The proposed development has been tested against the following policies of the Development Plan and other relevant material considerations and in the opinion of the Local Planning Authority the proposed development is not in conflict with these policies:

Torbay Local Plan

DE1 - Design

DE3 - Development Amenity

ER1 - Flood Risk

ER2 - Water Management

ES1 - Energy

H1 - Applications for New Homes

H6 – Housing for People in Need of Care

NC1 - Biodiversity and Geodiversity

SS3 - Presumption in favour of Sustainable Development

TA2 - Development Access

TA3 - Parking Requirements

Torquay Neighbourhood Plan

TH8 - Established Architecture

TH9 - Parking Facilities

THW4 - Outside Space Provision