

Friday, 3 February 2023

PLANNING COMMITTEE

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

Monday, 13 February 2023

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 16 January 2023.

(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. **Land North of Totnes Road, Collaton St Mary, Paignton (P 2022 0888)**

(Pages 7 - 41)

Reserved matters relating to P/2019/0281 (Up to 100 dwellings) - relating to (i) layout, (ii) scale, (iii) appearance and; (iv) landscaping.

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, 8 February 2023. 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

16 January 2023

-: Present :-

Councillor Pentney (Chairman)

Councillors Dudley (Vice-Chair), Hill, Kennedy, Barbara Lewis, Long, Manning, Mills and
Jacqueline Thomas

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

30. Apologies for absence

In accordance with the wishes of the Liberal Democrat Group, the membership of the Committee had been amended to include Councillor Long in place of Councillor Dart.

31. Minutes

The minutes of the meeting of the Committee held on 12 December 2022 were confirmed as a correct record and signed by the Chairman.

32. 3 Keysfield Road, Paignton, TQ4 6EP (P/2021/0808)

The Committee considered an application for demolition of existing building and formation of 14 apartments. (Outline approval was sought for access, appearance, layout and scale, with landscaping reserved) (as revised by plans received 17.11.2022 and 19.12.2022, including revised description).

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 David Spalding and Penny Roberts addressed the Committee in support of the application.

Resolved:

Approved subject to:

1. conditions as outlined in the submitted report with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency; and
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.

33. EI-Patio, 11 Alta Vista Road, Paignton (P/2022/1090)

The Committee considered an application for reserved matters on P/2019/0893. The matters to be discharged related to landscaping (to include hard and soft landscaping and means of enclosure).

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website.

Resolved (unanimously):

Reserved Matters be approved as set out in the submitted report subject to:

1. the final drafting of conditions and any further material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency.

34. Land North of Totnes Road, Collaton St Mary, Paignton (P/2022/0888)

The Committee considered an application for reserved matters relating to P/2019/0281 (up to 100 dwellings) - relating to layout, scale, appearance; and landscaping.

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 Graham White addressed the Committee against the application and Mr Andrew Rowe addressed the Committee in support of the application.

In accordance with Standing Order B4.1 Councillor David Thomas addressed the Committee neither in support or against the application but wanted to make the following points:

- impact on riparian rights to ground water and flood alleviation; and
- the Committee must have confidence that flood alleviation measures must work.

At the meeting the Planning Officer outlined late representations received on 12 and 16 January 2023 objecting to the application in respect of access rights, drainage and the attenuation tanks. He also provided an update on drainage comments received on 16 January 2023.

Resolved:

That the application be deferred for further information and clarity in respect of the following:

1. flooding and drainage (including details of the management plan for the attenuation tanks);
2. ecology (to signpost the relevant conditions contained within the outline planning consent); and
3. outstanding highways matters.

Chairman

Application Address	Site	Land North of Totnes Road, Collaton St Mary, Paignton
Proposal		Reserved matters relating to P/2019/0281 (Up to 100 dwellings) - relating to (i) layout, (ii) scale, (iii) appearance; and (iv) landscaping.
Application Number		P/2022/0888
Applicant		Cavanna Homes
Agent		AR Land and Planning Ltd
Ward		Collaton St Mary
Date Application Valid		22.08.2022
Decision Due Date		21.11.2022
Extension of Time Date		21.02.2023
Revised Recommendation		<p>Approval: Subject to;</p> <p>S106 legal agreement to deliver:</p> <p>(i) Flood Alleviation Works obligation of £91,500.00, for works to the Yalberton Watercourse.</p> <p>(ii) Obligation to secure £25,000.00 for works to deliver a connected pedestrian/cycle link to Borough Park Road.</p> <p>Conditions as outlined, with amendments as identified and final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency.</p> <p>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.</p>
Reason for Referral to Planning Committee		Major Development.
Planning Case Officer		Scott Jones

Introduction

This reserved matters application was considered by the Planning Committee at the January meeting (16.01.2023). The application was deferred for further clarity/information on ecology, drainage, and highways/parking matters. Further clarification is presented below for members to consider.

Ecology

Members raised concerns that the proposed conditions schedule omitted several conditions requested by the Council's Consultant Ecologist (Devon County Council).

Devon County Council were subsequently asked to review their previous response in the context of the ecology section of the planning officer assessment presented in the previous committee report.

The Devon County Council Ecologist has offered the following response (email dated 24.01.2023);

"... I agree with your text and confirm that compliance with submitted and approved documents are secured through the outline planning permission and hence no further ecology-based conditions are considered necessary. I deem that the documents submitted with the RM application are sufficient and the conditions placed on the outline consent ensure compliance with these approved documents. I do not believe any ecological conditions are required at reserved matters."

Considering the above and previous recommendation no amendments to the previous committee report conclusions and conditions list regarding ecology are recommended. The reserved matters are considered acceptable for planning approval on ecology grounds as previously detailed.

Drainage

Members raised concerns on the outstanding details raised within the Drainage Officers comments and the lack of clarity on the comments addressing the risk of flooding to land and buildings adjacent. The previous recommendation suggested seeking revised plans prior to any formal grant of permission due to the relatively di minimis nature of the errors.

Following deferral of the application at the planning committee the Council's drainage engineer was asked to confirm that his assessment concludes there will be no flood risk to land and buildings adjacent, and revised plans were requested from the applicant to address the minor drawing errors raised.

17.01.2023: Email response from the Council's drainage engineer confirming that the memo should have referenced no risk of flooding "on the development, or land or buildings adjacent" rather than just "on the development."

25.01.2023: Updated memo received (dated 24.01.2023). The memo, as copied (verbatim) below confirmed that the minor drawing anomalies had been corrected and that the proposed surface water drainage scheme was acceptable. The drainage advice does now include a request for an obligation towards a flood alleviation scheme for the Yalberton Watercourse following the receipt of clarification on there being a controlled discharge to the watercourse. This is addressed in the revised recommendation to members, with approval subject to the identified obligation secured through a S106 legal agreement.

Drainage Officer updated comments:

"1. The developer has now submitted drawings and hydraulic calculations for the surface water drainage system including the private drainage.

2. Having reviewed these documents, I can confirm that that the surface water drainage system has been designed in order that no properties on the development site or any properties or land adjacent to the development site are at risk of flooding for the critical 1 in 100 year storm event plus 50% for climate change

3. *The original outline drainage design incorporated the use of soakaways, however due to poor infiltration rates the latest surface water drainage design utilises a controlled discharge to a surface water sewer which then discharges to the Yalberton Watercourse. Torbay Council have secured grant in aid funding towards a flood alleviation scheme on the Yalberton watercourse which is currently at the detailed design stage. As the surface water run-off from the proposed development is likely to impact on this watercourse within the flood alleviation scheme a contribution to the funding for the flood alleviation scheme should be secured from the developer through S106 funding. In accordance with previous correspondence relating to a section 106 contributions within the Collaton St Mary area, a previously agreed figure of £915 per dwelling has been identified. As a result, the S106 contribution from this development to the flood alleviation scheme should be in the sum of £91,500 (100 x £915)."*

With the minor corrections being made to the identified manhole covers levels and pipe details the proposed surface water drainage scheme is acceptable. The revised recommendation reflects no longer requiring the submission of the corrected detail, but now includes a financial obligation.

For information the S106 attached to the outline consent requires the SUDS is to be managed in perpetuity by a management company to be approved by the Council (with financial details including funding sources and a capital reserve).

Highways and Parking

Members raised concerns on the outstanding issues identified by the Highway Authority. Following further discussions with the Highway Authority updated comments on the outstanding issues have been issued by highway officers, outlined in an email dated 02.02.2023 that is available on the public access system. Each outstanding issue is covered below;

Emergency Access:

Highway Authority update response: "As there are 100 dwellings proposed within this site, an emergency access is not required. The applicant should note that, with the addition of one more dwelling, this would meet the threshold and an emergency access would then be required".

Following the comments above the previous officer recommendation is unchanged to Members, which is that an emergency access is not necessary, in accordance with the Torbay Highway Design Guide. That position has now been corroborated by the Highway Authority.

From a procedural position it is retained that as the access arrangements were considered in detail at outline stage it is unreasonable to seek to revisit the matter through these reserved matters. The requirement for an emergency access would need to have been established within the outline consent.

Blagdon Road Link:

Highway Authority update response: "The Highway Authority will not seek to adopt this link as the reduced street lighting does not meet the required Highway Authority standards due to classification as a 'Dark Corridor'. The Highway Authority would therefore seek to impose a Condition that the route is built to adoptable standards (with the exception of lighting) and made available and maintained for public use, under private land management."

The schedule of conditions already requires the link to be built to adoptable standards (excluding lighting) and be provided for public use. There is no amendment to previous officer

advice on this element. The applicant is aware of the Highway Authority's position and has agreed to amend the proposed adoption plan to suit.

Borough Park Road:

Highway's update response: "Within the VD22616-VEC-S38-XXX-DR-CH-800 - S38 Adoption Plan, the applicant will be required to extend the adoption of the track up to the red line boundary (see snapshot at end of email). It is noted that there remains a gap between the site boundary and the adopted turning head at Borough Park Road. The small section of land is outside the applicant's ownership and outside the current red line boundary. The Highway Authority notes the benefit of providing an active travel link to the East of the site. The Highway Authority will work with the applicant to facilitate the potential future link. It is acknowledged that the provision of this link requires land outside the control of the developer. The Highway Authority would request that, subject to adoption of this land, that the developer would provide a contribution of £25,000 for the works/costs required to facilitate this".

The schedule of conditions already requires that within the site the link to be built to adoptable standards (excluding lighting) and be provided for public use to the edge of the site, which will facilitate future linkage. The applicant is aware of the Highway Authority's position and has agreed to amend the proposed adoption plan as requested and had verbally confirmed that they are willing to aid facilitate the future connection to Borough Park Road with the funding mechanism suggested. This is recognised in the revised recommendation to members.

APC Condition:

Highway Authority suggestion: "The Highway Authority seeks the following Condition also be applied to any permission that is granted: The Highway Authority would recommend a condition which requires highway details submitted which must indicate that the highways accord with adoptable standards and an informative which state that the Highway Authority intends to serve an Advance Payments Code notice on receipt of Building Regulations plans. This is to ensure that the road is constructed to adoptable standards. Our policy states we should adopt a road serving over 5 dwellings". This has been clarified as "The APC would serve more as an informative, rather than a Condition, as a backup in the possible occurrence that a S38 agreement is not reached".

The applicant is aware of the Highway Authority's position and is content with the informative suggested.

Car Parking:

A revised plan has been submitted to address previously identified deficiency in assigned car parking spaces for dwellings Plots 8-11. The plan addresses matters that were suggested to be secured by a planning condition, re-assigning 4 of the 8 visitor spaces to become assigned as a second spaces for these plots. The revision addresses the previous deficiency identified by officers.

Highway Authority update response: "Where car parking spaces are accessed directly from the adopted Highway/behind a footway, these should measure 2.4m x 5.5m. This is to ensure that vehicles do not overhang and block the footway. From reviewing the visitor spaces within the southern extent of the site, these appear to measure 2.4m x 5m. The applicant will be required to amend this. From reviewing the VD22616-VEC-S38-XXX-DR-CH-800 - S38 Adoption Plan and the Proposed Parking Strategy Plan (2447 – 15 – G) it appears that the car parking spaces located on the Southern extent of the plan (see snapshot below) contain allocated spaces, located on the adopted Highway Network (see snapshot of S38 adoption plan). It is not appropriate to have allocated spaces located on the adopted Highway Network. The applicant will be required to amend the S38 Adoption Plan so that these allocated spaces

are not within the adopted Highway Network and are instead the responsibility of a private management company”.

The applicant is aware of the of the Highway Authority’s position and agrees to amend the proposed layout plan to accord with the request. The amendment is easily achieved and is not constrained, Members will be updated on the receipt of this amendment. The applicant has also agreed to amend the proposed adoption plan to exclude the two assigned spaces as requested.

Electric Charging:

A revised plan has been submitted to address previously identified deficiency in electric charging facilities. The plan addresses matters that were suggested to be secured by a planning condition, showing electric charging facilities for all dwellings in accordance with the Local Plan policy guidance. The matter addresses the previous deficiency identified by officers.

General Conclusion:

All matters deferred have been addressed where necessary and the application is again recommended for approval, but in accordance with the revised recommendation above to account for any changes and new issues. To respond to the updated position two notable changes are proposed to the previous conditions schedule.

Revisions to Conditions List:

Proposed Phasing Condition removed – Phasing plan has been submitted and is deemed acceptable.

Proposed Electric Car Charging Condition – Minor wording to be amended to respond to revised submitted plan and to secure policy compliant provision.

Other relevant matters:

New consultee comment: The Environment Agency:

We confirm that we have no comments to make on this application.

This is on the basis that surface water will be discharged to the watercourse via an existing outfall. As a result, no Flood Risk Activity Permit will be required from us.

The review of the detailed surface water drainage scheme falls within the remit of your Lead Local Flood Authority. We note that you have already consulted with your Drainage Engineer and have no further comments to add on this application.

January 2023 Committee Report:

Application Site Address	Land North of Totnes Road, Collaton St Mary, Paignton
Proposal	Reserved matters relating to P/2019/0281 (Up to 100 dwellings) - relating to (i) layout, (ii) scale, (iii) appearance; and (iv) landscaping.
Application Number	P/2022/0888
Applicant	Cavanna Homes
Agent	AR Land and Planning Ltd
Date Application Valid	22.08.2022
Decision Due Date	21.11.2022
Extension of Time Date	23.01.2023
Recommendation	Approval: Subject to; Outstanding highway points resolved. Outstanding drainage points resolved. Conditions as outlined.
Reason for Referral to Planning Committee	Major Development.
Planning Case Officer	Scott Jones



Site Details

Description

The application site sits to the north of the Totnes Road (A385) and encompasses approximately 18 hectares of what is largely fields but includes an element of previously developed (brownfield) land of approximately 1 hectare that holds two existing buildings and areas of hardstanding. The field system within the site boundary is broken down into 9 fields of varying size. The western part of the site sits behind residential properties along Totnes Road, where 5 fields rise to north towards a hedge and tree lined hilltop. Although largely contained behind the existing frontage development there is a section of the site that fronts directly onto the Totnes Road, comprises a hedge-lined frontage of approximately 64 metres forming a gap between existing residential plots. There is also an access to the existing developed area within the site further east, close to the brow of the hill and the junction with Borough Road. The eastern part of the site (comprising the remaining 4 fields) lies to the north of Borough Park Road, a residential cul-de-sac, culminating to the east where it borders Kings Ash Road. The topography within the eastern part of the site rises from east to west towards the aforementioned hilltop.

Local Character & Services

The existing field system is largely laid to pasture with hedge borders and the occasional small copse. The site is quite steep in places and there is an overall rise of approximately 55 metres from the low points adjacent to the Totnes Road and Kings Ash Road to the hilltop at the northern border of the site.

Across the Totnes Road, to the south there is a public house and to the west there is a parish church and a primary school. Within the wider area there is a secondary school, numerous food retail outlets and a trading estate within relatively close proximity, on the outskirts of Paignton. The general character is a transitional one from an edge of town, residential character to the east to a rural character with more intermittent development (largely residential ribbon development and holiday parks) to the west.

Heritage

There are a number of designated heritage assets nearby and immediately to the south of the site across the Totnes Road lies the Grade 2 listed Collaton Farm building and (converted) barns. To the west, off Blagdon Road there is the Grade 2* listed Church of St Mary, Grade 2 Old School House and Old Vicarage, and a further four Grade 2 listed properties, 391-397 Totnes Road.

Development Plan

In terms of the Local Plan the site is identified as part of the wider Collaton St Mary (Paignton North and West Area) Future Growth Area and is also a site identified for housing within the Collaton St Mary Masterplan, which is an adopted Supplementary Planning Document for the area (adopted February 2016). The Paignton Neighbourhood Plan does not allocate housing sites and hence is silent in terms of designation, however Policy PNP24 does cite that within Collaton St Mary further development beyond the currently developed areas will be supported where the proposals are in accordance with the adopted masterplan for the area. In terms of other relevant context the valley floor to the south of the site is a linear area with an identified risk of flooding, and the site sits in the Sustenance and Landscape Connectivity zones associated with the South Hams Special Area of Conservation (SAC)(Greater Horseshoe Bat).

Description of Development

This is a reserved matters application that is seeking approval for the layout, scale, appearance and landscaping for 100 dwellings following the grant of outline consent under application reference P/2019/0281 for up to 100 dwellings. The outline consent granted detailed access with the creation of a single vehicular access off the Totnes Road (A385) east of the existing zebra crossing.

In accordance with the outline consent the proposal is for 100 dwellings offered in the development area presented in the indicative plans submitted and considered at outline stage. The dwellings are again focused within the lower part of the site, up to a line roughly in line with the rear boundaries of the dwellings off Borough Park Road.

In terms of layout the proposal loosely respects the indicative layout at outline stage with the approved single access filtering off to a network of roads across the hillside. The precise layout has changed however with a stronger east-west emphasis across the hillside. The reserved matters include public elements identified at outline stage, with orchards, allotments and an equipped play space towards the western end of the site.

In terms of form the buildings are generally two-storey with pitched roofs, although there is a larger apartment block towards the eastern end of the site that is three-storeys containing 8 units.

The scheme is substantially one of detached dwellings with 68 out of the 100. The remainder are provided in a number of short terraces, that provide 20 units, with 4 semi-detached dwellings, together with the 8 apartments.

The proposal includes the provision of 30 affordable units in accordance with the outline consent.

Materials are varied through the scheme. There are 3 roof materials with a mix of concrete roof tiles in a smooth 'slate' grey, brown and farmhouse red (curved) roof tiles. Elevations are a mix of rough render, red brick and smaller elements of tile hanging or timber cladding.

All dwellings are supported by parking which is a mix of driveway and garages, or courtyard or street-edge parking.

Pre-Application Enquiry

DE/2022/0034: Reserved Matters for 100 dwellings: generally supportive, concerns raised in terms of overall character of the scheme in a rural context.

Relevant Planning Policy Context

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

Development Plan

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

Material Considerations

- National Planning Policy Framework (NPPF)

- Planning Practice Guidance (PPG)
- Published Standing Advice
- Collaton St Mary Masterplan
- Setting of various listed buildings, including the Grade 2* Church of St Mary.
- 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/2019/0281: Outline application: Development of up to 100 dwellings, including affordable and market housing. Associated landscaping, open space, drainage and highways infrastructure at Land North of Totnes Road together with new access onto Totnes Road. Approved with legal agreement.

Summary of Representations

32 submissions, 2 support, 29 objections, 1 neutral. The summary of concerns is as follows;

Reasons for objection relevant to this Reserved Matters application for layout, scale, appearance and landscaping:

- Doesn't detail electric vehicle charging
- Doesn't improve sustainable transport modes
- Doesn't improve infrastructure
- Removes trees, we should be increasing tree planting
- Flooding concerns
- Doesn't integrate well
- Impacts established rear access to property
- Impact on riparian rights to groundwater
- Impact on dark skies
- Should ensure renewables are used
- Impact on ecology and biodiversity
- Access shouldn't be provided to Borough Park Road
- Poor design
- Overdevelopment

Reasons for objection not relevant to this Reserved Matters application for layout, scale, appearance and landscaping:

- Impact on services such as schools, health etc.
- Access
- Traffic
- Loss of green fields
- Sewage capacity
- Affordability
- Carbon produced by the housing

Summary of Consultation Responses

Paignton Neighbourhood Forum

No comments.

Torbay Council Housing Strategy and Enabling Officer

The affordable housing units on the affordable housing scheme plan submission are consistent with the s106 provision. I am happy with the spacing and layout of the affordable housing in the context of the overall layout and the distribution affordable housing tenure types.

A minor concern is that from a RP's perspective the rental unit types should be consistent by tenure (ie social and affordable rent). To that end I suggest switching Plot 12 to social rent and Plot 14 to affordable rent with reference to the affordable housing plan.

Ecology Advisor (Devon County Council)

14.12.2022 revised comments: The proposal is now acceptable on ecology grounds subject to conditions.

Natural England

No Objection. Based on the plans and mitigation measures submitted, Natural England considers that the proposed development will not have significant adverse impacts on the South Hams SAC greater horseshoe bat (GHB) population and has no objection.

Green Infrastructure Manager (SWISCo)

15.12.2022 revised comments: Further to a review of the amended landscape proposals and with reference to P05 and associated suite of landscape documents comments are below.

Western boundary - concerns over the use of the phrase 'existing vegetation to be retained where possible'. This is too vague and boundary treatment works should be included to show the level of works to be carried out to the boundary edges and how the footpath to the lower western boundary is to be installed minimising the impact on the adjacent trees.

Northern POS - Replication of the comment above, concerns over the use of the phrase 'existing vegetation to be retained where possible'. This, again, is too vague. where management proposals are required for the area then these should be included.

Eastern boundary - The hedge is shown to be retained but any boundary treatment works to the hedge in terms of its management should be included.

Southern boundary - The entrance has been strengthened by the introduction of the trees at the entrance to the site. The use of *B jacuemontii* should be reconsidered. Given the rural nature of the site there is room along the southern boundary for the use of the native Silver birch to be planted.

Residential area - The inclusion of trees adjacent to some of the roads is welcomed to break up the massing of the development. The central internal road (east to west) could be bolstered further with the inclusion of street trees. Consideration will need to be given to the use of underground structural tree pits to provide sufficient soil volume for the trees to develop.

However, there should be space afforded to larger canopy trees where possible. Much of the internal landscaping is for upright or fastigate tree varieties to be installed. For future resilience and to continue the rural feel of the site space should be created to enable large canopy trees to be planted.

In essence many of the previous issues have been addressed but we require greater level of detail and a consideration to street tree planting using underground structural pits.

Document 2447-18 Rev1 Refuse Strategy Plan shows both storage and collection points for recycling, food waste, refuse. For some properties this seems to be incomplete – for example the storage location for plots 25, 26 and 27 does not appear to be indicated on the plan. It would be useful if the applicant could mark the plot number that each storage and collection location relates to, so that we can ensure that this has been considered for every dwelling at this development. Containers will need to be presented at the curtilage of each premises on the day of collection.

We note that the dead ends have been tracked with a refuse collection vehicle, but would like to enquire about whether there will be no parking in turning areas with road markings to prevent this.

A flat and even surface between all collection points and the adopted highway will be required to wheel bins across and facilitate safe and efficient collections.

It would be useful if the collection point could be moved as close to the public highway as possible for plots 8, 9, 10 and 11 so that the containers are as accessible for collection as possible.

The collection point suggested for plots 58-61 is adjacent to the private drive rather than the adopted highway and SWISCo will not drive on to unadopted highway to collect recycling, refuse and garden waste, unless we are formally indemnified against damage to the road.

Either the collection point would need to be moved to the point where the highway is adopted, or a formal indemnity would need to be in place before collections could start.

(Officer comment: revised plan 2447-18 Rev C addresses the comments)

Drainage Engineer (Torbay Development Agency):

14.12.2022 Revised comments: Further to the email dated 8th December:

1. The developer has now submitted details of how the 1 in 10 year Greenfield run off rate has been calculated and I can confirm that the discharge rate of 9.3l/sec complies with the requirements of the Torbay Critical Drainage Area.

2. As with my previous consultation response, a number of drawings showing the proposed surface water drainage for the development has been included within the support documentation however this only relates to the main sewer system within the highway together with the attenuation tanks and storage pond. It is agreed that drawing number DR-CD-400-1 Revision P01 shows the private drainage serving each property however these pipes have not been included within the hydraulic modelling. As previously identified all of this information is required to be included in order to confirm that the proposed surface water drainage has been designed in order that no properties on the development are at risk of flooding and there is no increased risk of flooding to properties or land adjacent to the site for the critical 1 in 100 year storm event plus 50% for climate change.

3. In order to check the hydraulic model the developer must supply a drawing showing the proposed contributing areas discharging to each individual pipe length within the hydraulic model. This is required in order that the input data to the hydraulic modelling can be checked against the submitted drawings. The impermeable area drawing recently supplied shows only the impermeable areas discharging to the pipe lengths on the main sewer system within the highway, as previously identified the system needs to be expanded to include the private drainage serving the properties and hence the impermeable area drawing must show the impermeable area discharging to each pipe length in the model.

4. Drawing number DR-CD-400-1 revision P01 identifies the proposed drainage and includes manhole cover, invert levels and pipe lengths for the main sewer system only. The developer must submit a drawing showing the proposed surface water drainage (main sewers and drainage serving properties) including all manhole cover levels, invert levels, pipe diameters, pipe lengths, pipe gradients and the pipe numbering used within the hydraulic modelling. This is required in order that the input data to the hydraulic model can be checked against the submitted drawings.

5. Details regarding the attenuation pond and attenuation tank together with manhole access locations have now been submitted.

6. The latest information that has been submitted does not address the issues highlighted previously with regards to the invert level of the attenuation pond being higher than the ground level of the existing properties in Totnes Road. The developer must demonstrate that the construction of this attenuation pond and surface water drainage will not increase the risk of flooding to these properties.

7. Within the latest hydraulic modelling that has been submitted, there is still no manhole schedules and therefore I am unable to check the manhole cover and invert levels identified on the drawings with the input data to the hydraulic modelling.

8. Items 8 and 9 of my previous consultation response have been addressed within the latest submitted information.

9. At present I am unable to confirm whether the surface water drainage has been designed in order that no properties on the development are at risk of flooding for the critical 1 in 100 year storm event plus 50% for climate change. In addition, the surface water drainage system must be designed in order that there is no increased risk of flooding to properties or land adjacent to the site for the critical 1 in 100 year storm event plus 50% for climate change.

Based on the above comments, before planning permission can be granted the applicant must supply the details requested above.

(Officer comment: Further detail has been submitted that seeks to address the points raised and is currently being considered by the Councils drainage engineer).

South West Water

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into a surface water sewerage network is acceptable and meets with the Run-off Destination Hierarchy.

Update comment 23.12.2022 correcting referral to another site: I hereby confirm that the presence of the water main has no bearing on foul and surface water drainage for the application site, and that South West Water has no objection, subject to the surface water being managed in accordance with the proposed drainage strategy.

Police Designing Out Crime Officer

From a designing out crime, fear of crime and anti-social behaviour perspective, please find my advice and recommendations below.

As the security element of the building regulations, namely Approved Document Q (ADQ), sits outside the decision making process for the planning authority the following is to inform the applicant:-

ADQ creates security requirements in relation to all new dwellings. All doors that provide entry into a building, including garage doors where there is a connecting door to the dwelling, and all ground floor, basement and other easily accessible windows, including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard i.e. PAS 24.

As such it is recommended that all external doors and easily accessible windows are sourced from a Secured by Design (SBD) member-company List of Member Companies (Alphabetical). The requirements of SBD are that doors Accredited Product Search for Doors and windows Accredited Product Search for Windows are not only tested to meet PAS 24 (2016) standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus exceeding the requirements of ADQ and reducing much time and effort in establishing provenance of non SBD approved products.

Concern on access behind the first two rows of houses. Side of plot 72 could be restricted. Most houses benefit from good natural surveillance but a few are more isolated re access points. Allotments are quite isolated but would benefit from the nearby houses if their fronts are active. Welcomed that rear gardens are enclosed to 1.8m high. Request gates are lockable in both directions. Communal access routes should be gated as well. Public and private spaces should be clearly defined, and rear of plots 62-71 could be bolstered with landscaping. Parking spaces should be demarked, communal spaces shouldn't rely on bollard lighting for security reasons. The amount of tandem parking does cause a concern as it is likely that from a practical and convenient point of view only one of the spaces will be used meaning that they are likely to park elsewhere which can create vehicle and parking related problems which the police can spend a lot of time dealing with.

Highway Authority (Swisco)

14.12.2022 – Update comments

Emergency Access

At the Outline Application stage there was some discussion regarding the implementation of an Emergency Access with the Highway Authority suggesting that the road to the south of the sub-station being used (shown in the snip below). The applicant has pushed back on this and therefore the Highway Authority stance would be, as supported by the Torbay Highways Design Guide, that if no Emergency Access is provided then the development (and any future development) is limited to the 100 dwellings proposed. An additional dwelling will trigger the requirement for an Emergency Access. It is suggested that the applicant make provision for an Emergency Access (3.7m wide).

Ransom Strip

The applicant has noted that it is not feasible to take the road to the northern/eastern boundary due to issues with levels. The adoption does not necessarily need to form a metalled surface, it could form hedges etc. It is important to ensure this continuous adopted link to ensure there is no ransom strip and to enable active travel routes are maintained.

Link to Blagdon Road

The applicant has confirmed in the email below that this will be adopted – this is considered acceptable. However, the applicant will be required to confirm if this incorporates a HMPE pedestrian/cycle link.

Borough Road

The applicant will be required to confirm if they plan to adopt the link to Borough Road as this does not seem to be shown on the plans. It is requested that the applicant submits a red line Highway Adoption Plan so that all proposed adoption is clear.

Car Parking

The applicant should note Part H, Appendix F of the Torbay Local Plan (2012 – 2030) and confirm that, where car parking spaces are accessed directly from the Highway these should measure 3.2m x 6m to ensure that the Highway is not obstructed. The applicant will be required to confirm that these dimensions have been met. The applicant will also be required to confirm that, for dwellings that have two car parking spaces, that a bin can safely be wheeled past a parked car to the front of the dwelling. This is to ensure that overspill parking does not occur and block footways.

Footways

The applicant will be required to ensure that continuous footways are provided throughout the site.

Planning Officer Assessment

1. The Principle of Development,
2. Design and Visual Impact,
3. Open Space and Landscaping,
4. Heritage Impacts,
5. Residential Amenity,
6. Highways, Movement and Parking,
7. Ecology,
8. Flood Risk,
9. Low Carbon Development,
10. Affordable Housing,
11. Housing Supply.

1. The Principle of Development

Outline consent has been granted for up to 100 dwellings pursuant to planning permission P/2019/0281. This has established that the principle of 100 dwellings served off an approved detailed access arrangement off the Totnes Road is acceptable. This Reserved Matters application is solely to consider the Layout, Scale, Appearance and Landscaping, as the principle and the vehicular access has been established.

Subject to ensuring that the proposal provides an acceptable form of development, in terms of securing a suitably designed scheme, a good quality living environment and one that retains adequate amenity levels for adjacent occupiers, whilst also according with the conditions attached to the outline consent, the principle is considered acceptable.

In terms of determination it is relevant to appreciate that the Council cannot currently demonstrate a 3 or 5 year housing land supply and for decision making this means that the policies most important for determining applications for housing in the Neighbourhood Plan and the Local Plan are considered to be out of date. The policies therefore should be afforded limited weight within the current decision-making process. The principle of housing has been established through the outline consent. In terms of determination of applications for housing the 'tilted balance' guides to granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. In regard to applying the 'tilted balance' it is relevant to note that there are heritage considerations due to the site sitting within the setting of a Grade 2* Listed Church and other Grade 2 listed buildings. As concluded within this report there are no heritage reasons that provide clear reason for refusing the application, so the 'tilted balance' is considered applicable. This guides to granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. Notwithstanding the NPPF and the 'tilted balance' guidance, this does not displace

the primacy of the Development Plan.

Due to the reasons stated above the principle of residential development on this site is accepted, when considering strategic policies SS1, SS2, SS5 and SS12 of the Torbay Local Plan and Policies PNP1 and PNP24 of the Paignton Neighbourhood Plan, and the Development Plan as a whole, subject to other material considerations, which will be discussed in more detail below.

2. Design and Visual Impact (Layout, Scale and Appearance)

The NPPF states (Paragraph 126) that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and furthers that good design is a key aspect of sustainable development. Several expected design outcomes follow in Paragraph 130 and the Framework furthers, in Paragraph 134, that development that is not well designed should be refused.

There is consistency with the NPPF across Local Plan Policies SS2 (Future Growth Areas), SS11 (Sustainable communities) and DE1 (Design). Policy SS2 seeks development to integrate with existing communities and reflect landscape character, Policy SS11 states that development must help to create cohesive communities within a high-quality built and natural environment. The policy also includes expectations for development to help develop a sense of place and local identity, deliver development of a type, scale, quality, mix and density appropriate to its location, and protect and enhance the natural and built environment. Policy DE1 states that proposals will be assessed against their ability to meet design considerations such as whether they adopt high quality architectural detail with a distinctive and sensitive palette of materials and whether they positively enhance the built environment.

In terms of further policy context design outcomes are also prominent within the Paignton Neighbourhood Plan with PNP1 (Area Wide) including reference to enhancement of local identity, PNP1(a) citing the importance of development responding positively to its context when in the Rural Character Area, PNP1(c) again identifying the importance of strengthening local identity, and PNP19 (Safeguarding the open countryside) and PNP24 (Collaton St Mary) both express the importance of sensitive development within the rural context.

Scale

The development broadly follows the outline proposals and keeps development within a classic domestic scale. All dwellings are two storeys with pitched roofs, but there is a single apartment block that is 3 storeys under a pitched roof.

The outline application presented 2-storey development through the scheme, which was amended to suggest split level development within the uppermost properties. This was to address concerns on the creep of development up the hillside slightly beyond the line of development suggested within the adopted Collaton St Mary Masterplan. The reserved matters submitted deviates with 2-storey development at the top of the site and through the provision of a 3-storey apartment block.

By not reducing the uppermost properties the extent of development is likely to be more prominent from certain views outside of the site and will likely mask more of the undeveloped hillside above.

The reserved matters are accompanied by a landscape and visual impact assessment that concludes that the reserved matters proposals would not bring forward any additional harm to either landscape character (locally or wider area) or visual amenity than that initially identified through the outline scheme. However little weight can be attached to the assessment as it draws its conclusions from superseded section detail from the outline proposals. It does not

use the baseline of the expectation of split-level properties on the uppermost area of development with a lower indicative ridge height, using an expected central ridge height of 66.3 above datum compared to 62.5 above datum on the amended section. The visual prominence and impact of the development is likely to be greater than concluded.

In terms of the variance in scale brought about by introducing a 3-storey apartment block the landscape and visual impact assessment does refer to this element being sensibly located within the lower section of the site. There is general agreement with this conclusion.

All matters considered there is some concern on the uppermost dwellings and hence the development being more prominent on the hillside, however broadly the scale of buildings is considered acceptable and is supported.

Layout

In terms of the layout the proposal is broadly respectful of the outline information. The basic principle of a 'network' of roads on the lower slopes and public open space and community facilities to the western edge and upper slopes accords broadly with the indicative layout submitted at outline stage.

In terms of basic principles, the development pattern leans heavily on perimeter development which presents active street frontages and overlooked public spaces, and private back-to-back gardens that offer secure and enclosed gardens. Perimeter development is supported as a broad urban design principle for the reasons stated.

In terms of the detail the layout presents a greater emphasis to streets being formed across the hillside, with three east-west roads presenting most of the dwellings. The rise in levels between streets is largely managed by the provision of retaining walls along the line of the rear back-to-back boundaries. These range from low walls to around 3m in height, with circa 2m generally prevalent. Fencing is proposed on the upper side of the retaining walls and the proposed landscaping shows intermittent tree planting within the rear gardens on the lower sides. The network of retaining walls and fencing is likely to be visible to some degree in the public realm either through medium length views or shorter views through and across within the site. They are likely to be a detracting feature due to their extent and regularity in terms of a heavily engineered and quite suburban element.

In terms of the street pattern the buildings and building lines are relatively regular and present quite a formal and suburban influence. The scheme leans heavily on detached dwellings and there is a regularity to the plot arrangement, including parking and garaging. The building lines enclosing the streets are also relatively regular, which would appear influenced by the restricted depth to plots borne from managing the rise in levels from south to north. In terms of the character of streets there is some curvature that does offer some informality to the layout, but this influence alone would not substantially alter the overall suburban character of the layout. Overall, the plot and building arrangements are deemed relatively suburban and are a relatively un-contextual response to the rural setting of the site.

All matters considered the layout and detailed arrangement of buildings and streets presents some concern in terms offering a relatively regular suburban form of development. The influence of layout on the overall character needs to be considered in the round, taking into account other elements of the development that influence the overriding character.

Appearance (form and materials)

There have been various amendments submitted through the course of the application in response to officer concerns raised on the overriding character of the development as a response to the rural context.

A suite of revised plans and supporting information submitted in November (2022) introduced a character area concept aimed at breaking down the scale of development into smaller areas with different characters. The character area concept presents four character areas, village, village 2, farmstead and rural. The two village characters areas cover the entrance and the central east and western areas, the farmstead and rural covering the southern, western and northern outer fringes.

The character area concept proposes different treatment of similar housing types within the development to project a concept of character change. For example similar house types within the village areas may be either rough render or red brick, whereas the similar house type within the farmstead area would introduce partial tile hanging or partial timber cladding, plus relying on more subtle difference in window arrangement and minor details.

From the character area concept there is, broadly, variation in materials that offers some welcomed interest through the scheme, whilst appreciating that the buildings and overall arrangement of buildings are similar.

In term of materials there are three roof finishes, all concrete, offering a 'slate grey', brown and some red tiles. A leaning towards dark roof finishes is welcomed in the rural context. The materials are concrete, and this represents some conflict with the rural context where natural materials would be a more positive response. The use of concrete over natural materials sits at odds with the expectations of Policy PNP1(c) of the Paignton Neighbourhood Plan and it is recommended that these elements are not agreed and should be reconsidered in further detail via a materials condition.

In terms of elevations the use of rough render over smooth render is considered positive for the rural context, and the use of a number of soft colour tones across the rendered properties presents some welcomed informality to the development. Red brick is considered an acceptable secondary material and again helps present some diversity within the scheme. The use of a number of red bricks, with different tones and textures, will help add some variety through the scheme. The use of hanging tiles and timber cladding is welcomed, subject to materials choice, again in terms of adding variety and reflecting rural character. The absence of stone within the building form, either as a base material or as a feature detail is deemed a missed opportunity considering the prevalence of stone locally.

In terms of architectural details there is a mixture of dwellings with and without chimneys, and chimneys are considered to present some visual enlightenment to the roofscape of the development. In terms of further roof detail there is a mixture of simple gabled and hipped roof forms, and more intricate roof forms with large and small gable features. The gables features, certainly the smaller ones, do offer some reference to the local context where several character dwellings feature such detail.

In terms of other elements of the built form the boundaries to plots and the public realm have been revised a number of times in order to try and address officer concerns regarding the detail and a suburban feel to this element of the scheme. The latest iteration has removed the majority of the 'suburban' open plan plots, enclosing most plot frontages with a mix of either hedges or railings. Prominent side boundaries that address the public realm are now either stone or rough render, with fencing removed as a solution. Stone has also been added to enclose the parking courts, with stone piers details included. In addition hedges have been added to the rear of plots where they address the public realm as a screen to soften proposed fencing. Hedging has also been added to enclose and soften the private drive in the northeast corner of the development that presents a prominent boundary with the public realm. The current boundary proposals are considered acceptable as a response to the context.

All matters considered the proposed layout, scale, form and materials, with consideration of

the proposed landscaping, is considered to present a form of development that, on balance, adequately acknowledges and responds to the rural context, subject to satisfactory resolution of the stone, roof and hanging tile material. For the reasons above the development, with improved materials, would be deemed to be well designed, as required by the NPPF, and is considered to accord with the Development Plan design-based policies when read as a whole, notably Policies SS2, SS11, DE1, DE4, NC1 and C4 of the Torbay Local Plan, and Policies PNP1, PNP1(a), PNP1(c), PNP19 and PNP24 of the Paignton Neighbourhood Plan.

3. Open Space and Landscaping

Landscaping is a key component of placemaking and in a rural context is an important influencer of character. The importance of contextual and effective landscaping is highlighted within the NPPF within Chapter 12, Achieving well-designed places, as part of the drive towards delivering visually attractive development that also responds to and is sympathetic to local character (Paragraph 130). The NPPF also makes reference to the important contribution of trees to the character and quality of urban environments (aside benefits of adapting to climate change) and states that decisions should ensure that new streets are tree-lined, that other opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), and that existing trees are retained wherever possible.

At a local level the Development Plan seeks high quality landscaping in Policy DE1 and Policy C4 states that development will not be permitted where it would seriously harm protected trees or veteran trees, hedgerows, ancient woodlands or other natural features of significant landscape, historic or nature conservation value. The policy also states that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity role.

Policy PNP1(c) of the Paignton Neighbourhood Plan includes relevant references to development proposals, where possible, retaining existing natural features, and furthers that hedgerows should be provided to at least one boundary and also should include tree planting, being encouraged to plant 3 new trees for each dwelling.

The development features extensive informal open space on the upper slopes in accordance with the outline consent. This includes a linear replacement Devon Bank hedge boundary that runs east-west across the hillside. To the western end of the site there is an orchard, allotments and a locally equipped area of play, again in accordance with the outline consent. In addition to these features adjacent to the southern boundary there is a linear landscaped 'trim trail', which is an additional feature to that expected from the outline plans. The various open landscaped public areas provide are positive elements of the scheme.

Within the developed area revised plans have strengthened the presence of trees along the rear plot-to-plot boundaries across the east-west hillside. There has also been some reworking of the central north-south and east-west streets to try and address officer concerns regarding the robustness and general character of these streets. There is however limited space within the public realm and hence planting is largely limited to hedging, shrubs and occasional trees that are not of significant scale in terms of their potential growth. Within the development it is unlikely that trees will breach the roof lines and present landscaping of wider significance that also breaks up the extent of development as experienced from outside of the site.

The latest plans have been reviewed by the Councils (Swisco) Green Infrastructure Manager and it is accepted that many of the previous issues have been addressed. However, there is still concern on the level of detail and consideration to street tree planting using underground structural pits that should be explored further. The main concern is that there should be space afforded to larger canopy trees where possible. There is also still concern on uncertainty regarding vegetation marked as 'retained where possible', as it should be known, and should

be explored further and determined either way. A planning condition is proposed within the proposed schedule, which also covers a minor detail concern on species choice around the entrance.

As matters stand the landscaping has been improved however the central element of the scheme presents opportunity for only limited planting. In terms of presenting a rural character there is a degree of imbalance within the central spine with planting more incidental than what should be expected in a rural environment.

It is recommended that the issues raised within the landscaping comments received 15.12.2022 can be addressed via planning conditions. With these matters addressed the scheme would be largely consistent with the national 'build beautiful' agenda outlined within Section 12 of the NPPF, and would be consistent with Paras 126, 130 and 131, and also be considered acceptable and compliant with Policies DE1 and C4 of the Torbay Local Plan and policy PNP1(c) of the Paignton Neighbourhood Plan and the NPPF.

4. Heritage Impacts

The site does not hold any listed buildings or structures, nor is it within the boundaries of a designated Conservation Area. However, to the west off Bladgon Road there is the Grade 2* Parish Church of St Mary and Grade 2 Old School House and Old Vicarage buildings. There are also further Grade 2 listed properties set off the Totnes Road. The development does sit within the setting of these listed buildings, where there are direct views and/or where there is a kinetic experience of their settings as you pass through Collaton St Mary. Hence impact on their settings needs to be duly considered.

The NPPF guides that when considering the impact of a proposed development on the significance of a designated heritage asset, that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (Para 199). The NPPF further states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (Para 200). It guides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Para 202).

In terms of the local Development Plan it is guided that development proposals should have special regard to the desirability of preserving any listed building and its setting (Policy HE1 of the TLP). This is aligned with the duties for decisions as laid out within the Planning (Listed Buildings and Conservation Areas) Act 1990 c.9 para 66, where decisions shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

In terms of what is possibly the most sensitive relationship, with the church and the organic cluster of surrounding historic buildings, their rural character and setting is currently largely retained, with the surrounding green fields reinforcing the relationship between the church and the rural hinterland and ultimately how it is experienced as a rural village church. It is likely that the development and church will be experienced as you pass through the area, but views of the development are likely to be muted by the existing dwellings facing Totnes Road, as they themselves sit on higher ground, and where the southeast corner acts a landscaped buffer through which a pedestrian route is to be formed.

In terms the listed farm buildings near to the proposed entrance, the development will be large

screened behind existing properties and the entrance created will retain and reform the stone wall into the site. The entrance will also be landscaped. This will present a suitable rural character that would not impact the setting of the listed buildings.

All matters considered the detailed reserved matters are considered adequately resolved to limit the impact up on the setting of these, and other, listed buildings in the area. This considers the conclusion on design and visual impact, and landscaping, in Sections 2 and 3 of the Planning Officer Assessment within this report. However, there will be an inherent urbanising impact from the development and certain views and the general experience through the area will be impacted. As the scheme is considered suitably resolved the scale of harm is deemed less-than-substantial.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset the NPPF guides that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Para 202).

In this instance the public benefits being the provision of up to 100 dwellings, of which 30 will be affordable, in addition to the delivery of construction jobs and the resultant households and their expenditure within the local economy. Also, there is the provision of public play space, allotments and orchards to consider. Overall these public benefits are not insubstantial. Officers are also mindful that the site is identified for housing and the principle of housing is not objected to per-se, which would naturally present some change to the character of the site.

On balance, with a less than substantial level of harm, when considering the Development Plan and the NPPF, and the public benefits, the development is considered suitable for approval in accordance with Policy HE1 of the Torbay Local Plan and Paragraphs 199, 200 and 202 of the NPPF.

In reaching this conclusion Officers have duly considered the general duties as respects listed buildings under the Planning (Listed Buildings and Conservation Areas) Act 1990 c.9 para 66.

5. Residential Amenity

The Torbay Local Plan contains policies to ensure that appropriate residential standards are achieved in residential schemes, including size standards, through Policy DE3, and that development meets the needs of residents and enhances their quality of life, through Policy SS11. The Paignton Neighbourhood Plan, in Policy PNP 1(d) (Residential Development), presents guidance on supporting elements required for residential units and the NPPF (Para 130) guides 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 and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Future Occupiers

In terms of assessing the quality of the future residential environment it is important to consider the size and quality of the internal living spaces, the levels of outlook and natural lighting afforded key habitable rooms, levels of privacy, along with the quality of outdoor spaces and access to waste, cycle and car parking facilities, which are all integral elements for household developments. The aspiration is to secure good level of amenity for future residents.

The development proposes a variety of house types. All are well spaced and provide good natural lighting to key habitable rooms and good outlooks. Internal privacy is duly offered with adequate back-to-back distances between dwellings or outlooks to landscaped borders. There

will be some natural overlooking of gardens, but this is commonplace within residential environments and there are no unacceptable, i.e. overly dominant, relationships. In terms of the internal living spaces all houses and apartments meet the national internal living spaces standards that are engrained within the Development Plan (Policy DE3) and support the concept of producing, in the round, a good level of amenity for future occupiers. Each dwelling is afforded adequate amenity space that exceeds the 55sqm expected within the Development Plan. The apartments, following revised plans, will be afforded communal space to the east that exceeds the 10sqm per flat expectation in the Development Plan.

In terms of ancillary elements of parking, cycle parking and waste storage the following is considered.

All of the detached and semi-detached dwellings have 2 parking spaces in accordance with the expected level of parking outlined in the Development Plan. The vast majority also benefit from a further garage space/s and a number of the larger units have driveway parking for more than 2 vehicles. The three pockets of terraced units are served by either courtyard parking or street-side parking. Plots 25-30 are provided with a policy compliant level of courtyard spaces. Plots 8-14 as a group do not meet policy standards with 4 of the 7 units having only 1 assigned space each. There are however 2 visitor spaces within the courtyard that could be assigned and there are a further 6 visitor street-side spaces across the southern road that could possible offer assigned spaces to ensure all units in this group have a policy compliant level of private parking. Plots 82-88 are provided with a run of street-side parking and latest revised plans show that there is a policy compliant level available of two spaces each. Within the apartment block, Plots 74-81, through revised plans now show that all units have at least 1 space in accordance with the level expected in the Development Plan and there is 1 visitor space.

In terms of electric car charging facilities the Development Plan expectation is for all dwellings and 20% of apartments to have such facilities. Charging points are detailed for most dwellings as shown within the submitted parking layout plan. There is uncertainty on access for all dwellings within the three pockets of terraced units and this should be given more thought. This can be secured by a planning condition. In terms of the apartments there is a point shown within the rear parking court.

Waste storage is detailed to the rear gardens and there are collection points marked on occasions where necessary due to the arrangement. The apartments have a formal area, but the form is not detailed on the elevation plans for the building. Acceptable understanding and details of the form and materials of this structure should be secured by a planning condition.

In terms of cycle parking the Development Plan expects dwellings to be afforded with 2 spaces and apartments 1 space. Where dwellings are afforded a garage as a third space the facility is considered adequate to be considered as providing cycle parking possibilities. Elsewhere details should be sought on the location and form of cycle parking to meet the standard above. This can be secured through a planning condition. At present there is an absence of detail for the terraced properties and a pair of semi-detached that do not benefit from garages, and the apartment units.

In terms of designing out crime Policy PNP1(g) of the Paignton Neighbourhood Plan expects all developments to show how crime and the fear of crime have been taken into account. In terms of consultee comments it is noted that the Police Designing Out Crime Officer has raised comments including certain boundary positions and advice on plot security. It is recommended that a planning condition is attached to secure details on how the development responds to Secured By Design.

All these matters combined present good quality living spaces throughout the development. Subject to conditions as suggested the proposed residential environment is considered

acceptable for all future users and would accord with Policies SS11, DE1 and DE3 in the Torbay Local Plan, PNP1(d) of the Paignton Neighbourhood Plan, and advice contained within the NPPF regarding creating good quality living environments.

Adjacent Occupiers

The site does not directly border residential properties to the south and east but due to the layout proposed, the distances and natural separation afforded by landscaping the development will not impact the amenity of adjacent occupiers. Construction impacts will be duly managed through Condition 2 of the outline consent, which requires a Construction Method Statement to be submitted to the Local Planning Authority and approved prior to the commencement of development.

The development, for the reasons above, is considered to provide an acceptable relationship that protects the adjacent occupiers' amenity, in-line with policy DE3 of the Torbay Local Plan and in accordance with advice on delivering good living environments for all users, as guided within the NPPF.

Public representation has raised concern on the impact on established vehicular access rights over a lane and rights of access to groundwater. The applicant has engaged with the parties involved and they have stated that no evidence has been provided on these points, and that there are no rights registered against the land in the applicant's title. The applicant's view is that these are private legal matters (alleged) and they fall outside of planning matters to be considered. The Council's legal advice is that these are essentially private legal matters to be resolved between the applicant and the adjoining landowner.

6. Highways, Movement and Parking

Vehicular Access

The access into the site was approved at outline stage for the amount of development approved and hence is not considered as part of this reserved matters application.

Connectivity

The outline proposal established the benefit for a pedestrian/cycle route linking the development towards Borough Park Road to the east. This would offer clear connectivity benefits for the general community. A link to the edge of the site is shown on the submitted layout. In addition, again as expected through the outline plans, there is a pedestrian/cycle link at the southwest corner of the site that links to the junction of Totnes Road and Blagdon Road. Supporting this there is a clear pedestrian/cycle route within the site along the southern border. This presents opportunity for movement patterns to and from the school (for example) to use an improved route over the existing generally inhospitable section of the Totnes Road adjacent, which has narrow pavements and suffers from on-pavement parking. There is also connectivity to the northern public open space detailed in the plans.

The connectivity is well considered and sits as a positive aspect to the scheme.

Internal Road Network

The proposed network is generally considered acceptable and would support the provision of well-connected and overlooked public roads and spaces, presenting an attractive environment.

The Highway Authority has raised several points for clarification, the main point in terms of layout being an expectation to ensure that continuous footways are provided throughout the site. As detailed there are areas without footways and clarification has been requested as to whether the layout as submitted is considered to present an adequately safe highway network.

The proposal, subject to the satisfactory resolution of minor design matter raised by the Highway Authority, is considered to present an acceptable road layout.

Car and Cycle Parking

As previously detailed in the Residential Amenity section of the Officer Assessment most dwellings have at least 2 off street parking spaces or 2 assigned spaces within courtyards or within parking runs immediately adjacent. There are however some areas where parking standards are not met which should be explored and resolved. Importantly there appears scope within the current layout to provide a policy compliant level of parking by reassigning existing spaces.

Similarly electric charging is largely detailed to an acceptable level but there is some conflict with the policy expectation for the terraced dwellings. Further detail should be sought to ensure provision accords with the Development Plan expectations for all dwellings.

In terms of cycle parking the Development Plan expects dwellings to be afforded with 2 spaces and apartments 1 space. Where dwellings are afforded a garage as a third space the facility is considered adequate to be considered as providing cycle parking possibilities. Elsewhere details should be sought on the location and form of cycle parking to meet the standard above. This can be secured through a planning condition.

The proposals are, subject to the satisfactory resolution of the provision of footways and the details suggested above, considered to present an acceptable layout in terms of layout and movement, in accordance with Policies DE1, TA1, TA2 and TA3 of the Torbay Local Plan, Policy PNP1(h) of the Paignton Neighbourhood Plan, and the NPPF.

7. Ecology and Biodiversity

The ecological context was duly considered when the outline consent was granted, to ensure that protected species and habitats would not be unduly harmed and that biodiversity aspirations could be met, in accordance with guidance contained within the NPPF and the Development Plan, notably policies SS8, SS9, NC1, C4 of the Local Plan and PNP1, PNP1(a) of the Paignton Neighbourhood Plan. Outline consent was granted subject to reserved matters including certain detail.

1. A Lighting Assessment to demonstrate compliance with the 0.5 lux design parameter set out in the Shadow HRA (Condition 2).
2. Details of a proposed bat roost (Condition 3).
3. A Landscape and Ecological Management Plan (CEMP)(Condition 4).
4. A Landscape and Ecological Management Plan (LEMP)(Condition 5).
4. A monitoring strategy to provide early warning of any change in site conditions that are likely to impair or disturb greater horseshoe bats being able to commute through the site adjacent to the site boundary (Condition 6).
5. Measures to enhance biodiversity (Condition 11).

The application is supported by the following documents and plans, which respond to the requirements of the conditions attached to the outline consent in terms of details to be submitted:

- Lighting Impact Assessment
- Construction Environmental Management Plan
- Landscape and Ecological Management Plan
- Ecological Enhancement Plan
- Greater Horseshoe Bat Monitoring Strategy
- Biodiversity Metric Assessment

- Bat roost details

The ecology detail has been considered by Devon County Council ecologist and following revised detail received through the course of the application the application is considered acceptable on ecology grounds subject to conditions, in accordance with comments received 14.12.2022. Comments request a number of conditions however compliance with submitted and approved documents are secured through the outline planning permission and hence no further ecology-based conditions are considered necessary.

The development is deemed to accord with policies SS8, SS9 and NC1 of the Torbay Local Plan and policy PNP1(c) of the Paignton Neighbourhood Plan.

8. Flood Risk

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 Paignton Neighbourhood Plan offers similar plan-wide aspirations in Policy PNP1(i) and area-specific aspirations are offered in Policy PNP24.

Flood risk was considered at outline stage with an accepted outline strategy. The outline consent was subject to a planning condition requiring future reserved matters to demonstrate that the risk of flooding would not be increased, in line with the design parameters outlined within the previously submitted and approved Flood Risk Assessment.

The application is supported by detailed drainage plans and supporting information for a scheme that attenuates surface water run-off on site within a series of attenuation tanks under the central north-south break within the development (car parking area and public route) and under the linear greenspace close to the southern boundary. These act as on-site holding basins for surface/storm water and the proposal is then to discharge the attenuated water at a controlled rate equivalent to undeveloped 'greenfield' runoff to the nearby Public Sewer.

South West Water raise no objection.

The Council's Drainage Engineer has reviewed the proposed surface water proposal and does not object to the means of disposal, i.e. a controlled discharge to the Public Sewer. Although there is no objection to the strategy and design parameters there is various technical detail requested by the Council's engineer to ensure that the detailed scheme is acceptable. A second response on outstanding matters has been submitted on the remaining points raised and is currently being considered by the Council's drainage engineer with an expectation that conclusions will be offered prior to the committee meeting.

If the matter is pending or under consideration officer advice is that resolution can be delegated to officers, with any positive resolution subject to securing a scheme supported by the Council's drainage engineers. The pursuit of the outstanding technical data will not change the layout or physical form of the development, which informs the recommendation that the decision on the reserved matters more broadly can be progressed on a 'subject to' basis.

Subject to the receipt of technical information that removes any uncertainty on the detailed design, and delivers a surface water drainage that would not increase the risk of flooding, the development is considered acceptable on flood risk grounds, and would accord with Policies ER1 and ER2 of the Torbay Local Plan and policy PNP1(i) of the Paignton Neighbourhood Plan.

9. Low Carbon Development

Policy SS14 of the Local Plan relates to 'Low carbon development and adaptation to climate change' and seeks major development to minimise carbon emissions and the use of natural resources, which includes the consideration of construction methods and materials. Policy ES1 seeks that all major development proposals should make it clear how low-carbon design has been achieved, and that proposals should identify ways in which the development will maximise opportunities. ES1 also states that the retrofit of energy efficiency measures to existing buildings will be encouraged and supported, and that opportunities for reducing carbon emissions associated with energy use will be sought through the development management process as part of the wider conversion/ refurbishment of buildings where planning permission is required.

In terms of the Paignton Neighbourhood Plan Policy PNP1(f) states that new development should aim to achieve where appropriate and subject to viability: i) the latest developments in sustainable construction and water management technologies that mitigate and adapt to climate change; ii) the use of reclaimed materials and natural finishes; iii) include soft landscaped areas for natural drainage of rain water, and compensate fully for any existing soft area lost to development; iv) on site renewable energy generation to achieve 20% of subsequent in-use requirement wherever possible. Solar arrays will be encouraged where they do not adversely affect residential amenity, a vista of landscape value, or designated conservation area; v) connecting cycleways and footpaths where development involves new road infrastructure.

The NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Low carbon and energy aspirations were considered at outline stage and the outline consent was subject to a planning condition (Condition 14) for any reserved matters application relating to the proposal's layout, scale and appearance, to include details of energy efficiency measures. The application is supported by an energy statement that seeks to address this condition and the ambitions of the Development Plan and the NPPF.

The energy statement details a number of measures that the development and dwellings shall incorporate in terms of addressing energy and low carbon considerations.

Buildings that would be circa 7% more energy efficient than building regulations and would include wastewater heat recovery systems and low energy mechanical extract ventilation systems. Away from the built form electric charging points are to be provided through the development, cycle storage will be delivered to promote this sustainable option of local travel, and sustainable drainage systems are integrated in the scheme. There is also local food production through allotments and orchards and sitewide tree planting. These broadly satisfy the ambitions of Policies SS14 and ES1, and PNP1(f). What is absent from the submission is understanding on site renewable energy delivery, where PNP1(f) seeks no less than 20% being delivered where practicable. The site sits on south facing hillside and there would appear some clear potential to deliver an efficient provision of solar energy. As the submission fails to fully address Policy PNP1(f) of the Paignton Neighbourhood Plan a planning condition is proposed to secure a positive response in terms of on-site renewable energy production. To secure certainty on the schemes low carbon credentials detailed in the current submission a planning condition should secure delivery of the Waste Water Heat Recovery (WWHR) systems etc detailed.

The proposal is considered, with an appropriate planning conditions, to deliver on the low carbon aspirations of the Development Plan, Policies SS14, ES1 and PNP1(f), and the NPPF.

10. Affordable Housing

Affordable housing provision has been largely established outline stage with the amount and general parameters for the provision set in a Legal Agreement that accompanies the outline consent. This established the provision of 30% affordable units, which is the policy compliant level for development of this scale on greenfield sites, occupation type, specifications, and delivery. The Legal Agreement set the type of affordable units in accordance with policy guidance, with the need to deliver a split of a third-third-third between social rent, affordable rent, and part ownership, with 5% of the provision being adapted dwellings. The legal agreement also established the broad requirement for a proportionate mix of dwelling types, and for these to be distributed through the development.

In addition to the requirements of the Legal Agreement a planning condition was placed on the outline consent (Condition 10) that any application for reserved matters relating to the proposal's layout and scale, a scheme of affordable housing shall be submitted for the written approval of the Local Planning Authority, which shall include information about the siting, size, and tenure type of the affordable units.

The requirement of Condition 10 to submit details with the reserved matters has been met and the submission is accompanied by an Affordable Housing Plan. The plan details the provision of 30 units, which accords with the requirement to deliver 30% of the units as affordable units.

The split of tenure is equal as expected in policy, with 10 social rent, 10 affordable rent and 10 shared ownership units. The units are provided in 3 clusters, 2 clusters of 7 and 6 are provided in the middle of the development off the southern and central roads, and 17 are provided in a third cluster in the southeast corner of the site. In terms of the form of units 8 of the social rented units are within the apartment block and there are 2 terraced units. The remaining 20 affordable rent and shared ownership units are provided within 2,3 and 4-bed terraced dwellings.

The Council's Housing Strategy and Enabling Officer has reviewed the proposal and has advised that the affordable housing submission is consistent with the s106 provision and that he is happy with the spacing and layout of the affordable housing in the context of the overall layout and the distribution affordable housing tenure types.

In light of the comment received the proposal is deemed acceptable in terms of an affordable housing offer.

11. Housing Supply

The Council cannot currently demonstrate a 3- or 5-year housing land supply, as sought by Government. The five-year supply position represents a significant shortfall and must be treated as an important material consideration weighing in favour of the proposal.

Considering the housing supply position, it is advised that in determining the application, the presumption in favour of sustainable development at Paragraph 11 of the NPPF must be applied. Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development, which means approving development proposals that accord with an up-to-date development plan without delay.

It is concluded within this report that the development accords with the Development Plan when considered as a whole and hence there is support for the grant of permission, in-line with

the guidance within the NPPF (Para 11). Were Members of a different judgment and were to consider the proposal to conflict with the Development Plan it should be noted that the absence of a 3- or 5-year housing supply principally sets a higher benchmark to resist development. In such a circumstance development should only be refused where any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

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. The development would see the use of an empty site that has an outline consent for housing. Once the development 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, including 30 Affordable Housing units. Given the NPPF priority to significantly boost the supply of housing the additional dwellings to be provided must carry significant weight in this balance, with the benefit heightened by the inclusion of 30% of the units being Affordable units. 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 development is supported by drainage, landscaping and ecological measures to mitigate impact, as detailed in this report. 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

CIL

Not applicable to this development.

S106

Not Applicable to these Reserved Matters. The outline consent is subject to a S106 legal agreement that secures the following if a scheme is delivered;

- 30% Affordable Housing.
- Education Contributions in accordance with the adopted SPD.
- Sustainable Transport Contributions in accordance with the adopted SPD.
- Highway Works Contribution to the sum of £152,800 towards improvement works to the A385.
- Lifelong Learning Contribution in accordance with the adopted SPD.
- Waste and recycling Contribution in accordance with the adopted SPD
- Cirl Bunting Contribution £87,500.00
- Delivery of Public Open Space and SUDS facilities.
- Greater Horseshoe Bat mitigation in perpetuity

EIA/HRA

EIA: Considered at outline stage, which concluded that due to the scale, nature and location the development it would not have significant effects on the environment and therefore was not considered to be EIA development. Considering these reserved matters aside the outline proposals it is not apparent that the project would likely have significant effects on the environment and hence no further formal screening is considered necessary.

HRA: Considered at outline stage, which concluded that due to the scale, nature and location the development was not considered to have a likely significant effect on European Sites. Reserved matters applications will not normally need to re-consider HRA and as the proposed development principally accords with the form and layout of development previously presented it is not considered necessary to carry out a further HRA.

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. The provision of 30 affordable homes is also a significant material benefit.

The provision of a public play area is also a significant public benefit, certainly in light of the current absence of child's play facilities within the area. The nearest formal play area being at Claylands near the junction of Borough Road and Brixham Road. The provision of allotments, orchards and public open space are further public benefits that weigh in the schemes favour.

Conclusions and Reasons for Decision

The site already has outline planning permission (with an approved vehicular access design) and is identified for housing within the Development Plan, and the proposal is broadly consistent with the approved outline application for the site. The proposal is considered acceptable in principle.

There are demonstrable public benefits that weigh in favour of the scheme, notably housing provision, including 30 affordable units, a formal equipped child's play area in Collaton St Mary, orchards, allotments and public access to informal greenspace.

The residential environment for future occupiers is acceptable and there are no unacceptable impacts upon the amenity of adjacent occupiers.

Ecology matters are duly resolved in terms of protected species, habitats and biodiversity net gain aspirations.

Flood risk will not be increased, subject to the receipt of satisfactory final detailed design information for the surface water management system.

The internal road and footpath network, and its connectivity, is considered acceptable, subject to confirmation that the areas shown without footways present a suitably safe road network.

The design and visual impact of the scheme presents some concern in terms of the suburban nature of the layout, the limited level of public landscaping and trees within the central area of the development, and the choice of man-made roof and tile hanging materials. It is accepted that the landscaping proposals have been improved and are comprehensive for the layout presented, and that the building character below roof level and boundary treatments have also been improved through the course of the application. It is suggested that, subject to addressing the use of concrete tiles through the scheme via a planning condition, and subject to landscaping conditions to address some targeted uncertainty, the design and visual impact concerns do not outweigh the public benefits of the scheme cited above.

When considered as a whole the proposed development is deemed 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.

The NPPF guides that decisions should apply a presumption in favour of sustainable development and for decision making that means approving development proposals that accord with an up-to-date development plan without delay, or where for housing proposals within situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Or where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

There are no impacts on protected areas or assets of particular importance to provide a clear reasoning for refusal when considering the scheme in the round and the public benefits noted.

Officer Recommendation

Approval: Subject to;

The resolution of outstanding highway questions, to be delegated to the Divisional Director of Planning, Housing and Climate Emergency.

The resolution of a surface water drainage design that would not increase the risk of flooding, in consultation with the Council's Drainage Engineer, delegated to the Divisional Director of Planning, Housing and Climate Emergency.

The conditions as outlined, with the final drafting of 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

Phasing Plan PC

Prior to the commencement of development a phasing plan shall be submitted to and approved in writing by the Local Planning. The plan shall demonstrate how the development will be implemented in relation to an agreed timetable of works, and shall include the provision of play space, open space, and allotments, landscaping and ecological enhancement, amenity footpaths, highway works and other ancillary infrastructure. The development shall then be implemented in accordance with the approved phasing plan.

Reason: To ensure that necessary elements of the scheme are implemented within acceptable parameters and at an appropriate stage, to comply with policies SS2, SS9, Page 116SS10, NC1 and DE1 of the adopted Torbay Local Plan 2012-2030 and Policies PNP1(a), PNP19 and PNP24 of the Paignton Neighbourhood Plan. These details are required prior to the commencement of development to secure necessary detail for essential elements of the development in the absence of the detail accompanying the reserved matters in accordance with the outline consent.

Adoptable streets

No development relating to the creation of the roads shall be commenced until either the roads are subject to a completed agreement under section 38 Highways Act 1980 or full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. Unless the roads are subject to a completed agreement under section 38 Highways Act 1980 the development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policies DE1, SS11, TA1 and TA2 of the Torbay Local Plan 2012-2030.

Informative: The applicant is advised to obtain a technical approval for all estate street details from the local highway authority prior to the submission of such approved details to the local planning authority.

Management and maintenance of roads

Unless the roads are subject to a completed agreement under section 38 Highways Act 1980 no works shall be carried out for the formation or construction of any road unless the local planning authority has approved a Road Maintenance Plan for that road including the arrangements for either adoption by the highway authority or the implementation of a Private Road Management Scheme to secure the effective management and maintenance of the road and refuse collection throughout the lifetime of the development.

Where it is proposed that the estate roads shall be privately maintained no works shall be carried out above ground level until a Private Road Management Scheme has been submitted to and approved in writing by the local planning authority and which shall provide for;

- (a) Setting up a company or other entity to be responsible for the on-going management and maintenance of the road and refuse collection (the "Management Body").
- (b) How the company and the future management and maintenance of the road and refuse collection is to be financed including initial capital investment with subsequent funding.
- (c) The rights for and obligations on the Management Company to manage and maintain the road and collect refuse
- (d) Arrangements for the management and collection of refuse and waste from the dwellings.
- (e) A road management and maintenance and refuse collection schedule.
- (f) How refuse and waste will be managed on site including the location of individual and communal refuse and waste collection facilities and the locations where refuse and waste is to be transferred off-site.
- (g) Confirmation from the relevant waste collection company that they have agreed to collect the refuse and waste from the development in accordance with the approved details.

The development shall be carried out in accordance with the Road Maintenance Plan and the Private Road Access Scheme which shall thereafter be fully complied with and implemented.

No dwelling shall be occupied unless it connects directly to a road (including a footway and carriageway) which is:

- (a) Adopted by the highway authority as a highway maintainable at the public expense or
- (b) Subject to an agreement with the highway authority under section 38 of the Highways Act 1980 for the adoption of the road; or
- (c) Subject to a Private Road Management Scheme where the Management Body has been established and is responsible for the management and maintenance of the road and the collection of waste and refuse from the date of occupation of the dwelling.

Any roads (including carriageways and footways) which do not form part of the highway maintainable at the public expense shall be permanently maintained to an adoptable standard and retained and made available for public use or the lifetime of the development

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policies DE1, SS11, TA1 and TA2 of the Torbay Local Plan 2012-2030.

Landscaping condition

Notwithstanding detail submitted and approved, prior to the commencement of any works to or immediately adjacent to the western boundary, the eastern boundary, the northern public open space, or the southern boundary, the following shall be submitted for each area and approved in writing by the Local Planning Authority;

- I. Western boundary – Construction management and level of works to be carried out to the boundary edges, including how the footpath to the lower western boundary is to be installed, minimising the impact on the adjacent trees.
- II. Northern POS – Construction management proposals are required for the area minimising the impact on the adjacent retained green border.
- III. Eastern boundary - Management/protection of the retained hedge.
- IV. Southern boundary – Revised species to *B. jacquemontii* in this area.

The details above (i-ii) shall seek to provide certainty on the level of retention and enhancement of these green borders marked as 'existing vegetation to be retained where possible'.

The development shall proceed in accordance with the detail submitted and approved pursuant to this condition

Reason: In order to duly protect or consider work to green infrastructure in accordance with Policies DE1, NC1 and C4 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

Low Carbon - PVs

Prior to the commencement of development above Damp Proof Course level details of the location and arrangement of on-site renewable energy generation, demonstrated to achieve no less than 20% of subsequent in-use requirement, shall be submitted to and approved in writing by the Local Planning Authority.

Where solar energy production is proposed the proposals shall as far as practicable demonstrate the following:

- (a) Be sited so as to minimise its effect on the external appearance of any building;
- (b) Be sited so as to minimise its effect on the amenity of the area.
- (c) Be detailed so as not to protrude more than 0.2 metres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope, and would be no higher than the highest part of the roof

Any solar equipment approved within each dwelling plot shall be implemented in full and made operational prior to the first occupation of the building and retained and maintained thereafter.

Reason: In interests of tackling climate change and securing low carbon development, in accordance with Policies SS14 and ES1 of the Torbay Local Plan 2012-2030, Policy PNP1(f) of the Paignton Neighbourhood Plan, and guidance contained within the NPPF.

Waste Storage apartments

Prior to the first occupation of Units 74-81 details of waste storage facilities shall be submitted to and approved in writing by the Local Planning Authority, including the form and materials of the enclosure.

The waste storage facility shall be implemented in full and made operational prior to the first occupation of the unit(s) to which they relate and maintained thereafter.

Reasons: In order to protect amenity in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030, Policy PNP1(d) of the Paignton Neighbourhood Plan and advice contained within the NPPF.

Cycle Parking

Prior to the first occupation of each plot identified below plans identifying the form and location of enclosed and secure cycle parking (2 per dwelling and 1 per apartment) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include visitor cycle parking for the apartments within a separate legible and overlooked location.

Plots 8-14, 25-30, 72-3, 82-88, and apartments 74-81.

The approved facilities shall be provided and made available for use prior to the occupation of the plot to which it relates and retained and maintained at all times thereafter.

Reason: To secure an acceptable form of development and to ensure adequate facilities for visitors, in accordance with Policies DE1 and TA3 of the Torbay Local Plan 2012-2030, Policy PNP1(d) of the Paignton Neighbourhood Plan and the NPPF.

Electric Parking Provision

Notwithstanding detail on the submitted and approved plans prior to the first occupation of plots 8-14, 25-30, and 82-88 the location of electric car charging points to serve each dwelling identified shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be completed and made operational and available for use prior to the first occupation of each dwelling to which each facility serves and shall be maintained operational and available at all times thereafter.

Reason: To secure an acceptable form of development and provide adequate electric charging facilities, in accordance with Policies DE1 and TA3 of the Torbay Local Plan 2012-2030.

Apartment amenity space

Prior to the first occupation of Units 74-81 the amenity space to the east of the building shall be landscaped and enclosed as detailed and made available for the use of occupants of the building as outdoor recreation space. The amenity space shall be retained and maintained for the occupiers of the apartments for such use at all times thereafter.

Reasons: In order to protect amenity in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

Materials Schedule

Notwithstanding materials referenced within approved plans, prior to their installation the following shall be submitted to and approved in writing by the Local Planning Authority:

- I. A stone sample that responds adequately to local character and distinctiveness.
- II. Details of the form the stone pillars.
- III. A revised roof and tile hanging materials that respond adequately to local character and distinctiveness and demonstrates accordance with Neighbourhood Plan aspirations for natural materials and demonstrates accordance with climate change aspirations.
- IV. Details of the timber cladding which shall be formed of natural timber

The development shall proceed in full accordance with the details approved pursuant to this condition and all other materials shall accord with the materials schedule detailed and approved.

Each building shall be externally finished in full accordance with the approved materials schedule for that building.

Reason: To secure an appropriate form of development in accordance with Policy DE1 of the Torbay Local Plan 2012-2030, Policies PNP1 and PNP1(c) of the Paignton Neighbourhood Plan and the NPPF.

Detailed Design

Prior to their installation within the development details of the following shall be submitted to and approved in writing by the Local Planning Authority;

- I. Details of estate railings
- II. Sample of the laying of natural stone walls, which shall include
- III. Method to ensure location and form (including colour) of all meter boxes limits their visual prominence

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

Reasons: In order to protect visual amenity in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030, Policy PNP1(c) of the Paignton Neighbourhood Plan and advice contained within the NPPF.

Retaining Walls

Prior to installation details of the external finish of all retaining walls shall be submitted to and approved in writing by the Local Planning Authority.

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

Reasons: In order to protect visual character and local amenity in accordance with Policies SS11, DE1 and DE3 of the Torbay Local Plan 2012-2030, Policy PNP1(c) of the Paignton Neighbourhood Plan and advice contained within the NPPF.

Secured by Design

Prior to the first use of the development evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the design of the development meets Secured by Design standards as far as practicable. The submitted detail shall include detail of locking garden gates and access to communal alley routes, and shall address concerns regarding side access to Plot 72.

The approved measures for each dwelling/plot shall be implemented in full prior to the first occupation of each dwelling/plot.

Reason: In the interests of crime prevention in accordance with Policy DE1 of the Torbay Local Plan and Policy PNP1(g) of the Paignton Neighbourhood Plan.

Pedestrian Links

Unless an alternative phasing is agreed in writing the following shall be delivered;

- I. Prior to the first occupation of the development the pedestrian links to the southeast corner to Totnes Road and western edge to Borough Park Road shall be completed to the edge of the site and made available for public use and retained and maintained thereafter.
- II. Prior to the occupation of the 75th dwelling public routes to the Public Open Space to the north of the development shall be completed and made available for use and retained thereafter.

The approved links shall be implemented in full as detailed above or within a timeline agreed pursuant to this condition and maintained for such purposes thereafter.

Reason: In the interests of amenity and connectivity, in accordance with Policies SS11 and DE1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

Informative(s)

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

02. Conditions relevant to these reserved matters are present on the outline consent P/2019/0281.

Relevant Policies

Development Plan Relevant Policies

SS1 - Growth Strategy for a prosperous Torbay
SS3 - Presumption in favour of sustainable dev
SS8 - Natural Environment
SS9 - Green Infrastructure
SS11 – Sustainable Communities
SS12 – Housing
SS13 – Five year housing land supply
SS14 - Low carbon development and climate change
H1 – Applications for new homes
TA1 - Transport and accessibility
TA2 - Development access
TA3 – Parking requirements
C4 - Trees, hedgerows and natural landscape
DE1 - Design
DE3 - Development Amenity
DE4 - Building heights
ER1 - Flood Risk
ER2 - Water Management
ES1 - Energy
W1 - Waste management facilities
W2 – Waste audit for major development and significant waste generating developments
NC1 - Biodiversity and geodiversity

PNP1 – Area wide

PNP1(a) - Rural Character Area
PNP1(c) – Design Principles
PNP1(d) – Residential Development
PNP1 (f) – Towards a sustainable low carbon energy efficient economy
PNP1(g) – Designing out crime
PNP1(h) – Sustainable transport
PNP1(i) - Surface Water
PNP19 – Safeguarding open countryside
PNP24 – Collaton St.Mary Village