

DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of **Development Management Committee** will be held on

Monday, 10 June 2013

commencing at **2.00 pm**

The meeting will be held in the Burdett Room,
Riviera International Conference Centre, Torquay

Members of the Committee

Councillor McPhail

Councillor Morey

Councillor Addis

Councillor Baldrey

Councillor Barnby

Councillor Hill

Councillor Kingscote

Councillor Pentney

Councillor Stockman

Working for a healthy, prosperous and happy Bay

For information relating to this meeting or to request a copy in another format or language please contact:

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Email: governance.support@torbay.gov.uk

DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Election of Chairman/woman**
To elect a Chairman/woman for the 2013/2014 Municipal Year.
2. **Apologies for absence**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Minutes** (Pages 1 - 4)
To confirm as a correct record the Minutes of the meeting of this Committee held on 13 May 2013.
4. **Appointment of Vice-Chairman/woman**
To appoint the Vice-Chairman/woman for the 2013/2014 Municipal Year.
5. **Declarations 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.)
6. **Urgent Items**
To consider any other items that the Chairman decides are urgent.
7. **P/2013/0302/PA - Land Off Penn Lane, Adj. 19 And 21 Penn Lane, Brixham** (Pages 5 - 11)
Erection of dwelling.

8. **P/2012/1074/MPA - Land Off Alfriston Road, Paignton** (Pages 12 - 48)
Minor Revisions to Layout and Reduction in Number of Dwellings:
Residential development to form 92 dwellings, creation of new
vehicular and pedestrian accesses and associated works.
9. **P/2013/0259/PA - Birds Haven, Avenue Road, Torquay** (Pages 49 - 52)
Formation of new dwelling on land adjacent to No. 1 Birdshaven.
10. **P/2013/0470/PA - 3 - 10 Palm Court Hotel, Torbay Road, Torquay** (Pages 53 - 55)
Amendments to previously approved scheme P/2011/1080/MPA to
include :
Addition of residential & self-catering entrance to level 0 east core,
Omission of 1 bedroom self-catering apartment and increase in size
of 1st floor commercial unit, Reduction in construction to north west
corner, additional floor make up to levels 01, 02 03 04 & 05 and
Revision of northern & north west fenestration
11. **P/2013/0395/PA - 44 Mead Road, Torquay** (Pages 56 - 58)
Alterations and extensions at ground and first floor and construction
of timber deck at rear.
12. **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.



Minutes of the Development Management Committee

13 May 2013

-: Present :-

Councillor McPhail (Chairwoman)

Councillors Morey (Vice-Chair), Addis, Baldrey, Barnby, Hill, Kingscote, Pentney and Stockman

159. Minutes

The Minutes of the meeting of the Development Management Committee held on 8 April 2013 were confirmed as a correct record and signed by the Chairwoman.

160. Urgent Items

The Committee considered the items in Minute 164, 165, 166, 167 and not included on the agenda, the Chairman being of the opinion that it was urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

161. P/2013/0165/MRM - Land at Park Bay Garden Centre And Holly Gruit, Brixham Road, Paignton

The Committee considered an application for a residential development to form 91 houses with matters reserved – siting, design and external appearance, access, parking, drainage and landscaping.

Prior to the meeting, written representations were circulated to Members.

At the meeting Mr Alan Ringe addressed the Committee in support of the application.

Resolved:

Approved in accordance with Officer Recommendation in the submitted report.

162. P/2013/0417/VC 2 Fore Street, Brixham

The Committee considered a variation to Condition 6 to the previously approved scheme P/2012/0911 for revised wording of the Condition in respect of the Herring Gull Nesting Season.

Prior to the meeting, written representations were circulated to Members.

At the meeting Mr Alan Jones addressed the Committee for the application. In accordance with Standing Order B4.1 Councillor Brian Harland addressed the Committee on behalf of Brixham Town Council.

Resolved:

Approved to amend wording of Condition 06 as per Officer Recommendation in submitted Report to;

- i) No demolition shall take place during the bird breeding season, unless the building, rooftop and its immediate proximity has been inspected immediately prior to demolition by a suitably qualified ecologist with full knowledge of the proposed demolition program and processes, and the ecologist concludes that the development would not contravene protection afforded within the Wildlife and Countryside Act (As Amended).

163. P/2013/0421/VC - 2 Fore Street, Brixham

The Committee considered a variation to Condition 2 to the previously approved scheme P/2012/0910 for revised wording of the Condition in respect of the Herring Gull Nesting Season.

Prior to the meeting, written representations were circulated to Members.

At the meeting Mr Alan Jones addressed the Committee for the application. In accordance with Standing Order B4.1 Councillor Brian Harland addressed the Committee on behalf of Brixham Town Council.

Resolved:

Approved to amend wording of Condition 02 as per Officer Recommendation in submitted Report to;

- ii) No demolition shall take place during the bird breeding season, unless the building, rooftop and its immediate proximity has been inspected immediately prior to demolition by a suitably qualified ecologist with full knowledge of the proposed demolition program and processes, and the ecologist concludes that the development would not contravene protection afforded within the Wildlife and Countryside Act (As Amended).

164. P/2013/0166 45 Winsu Avenue, Paignton

The Senior Planning Officer explained that further to the Development Management Committee held on 8 April 2013 that (Minute 146) refers the reason for refusal should also include;

“The proposed dwellings by reason of their size, siting and design, would represent an inappropriate form of development, due in particular to their 3 storey front elevation. The cramped nature of the built form, resulting from the overdevelopment of the site, would be out of character with the prevailing context in the streetscene and would therefore have an adverse impact on the character and appearance of the area. Furthermore, the dwellings would have an unacceptable impact on the living conditions of the neighbouring properties at Nos 31 and 47 Winsu Avenue, due to the extent of rear protrusion and the resultant overbearing impact. The proposed dwellings would therefore be contrary to policies H9, H10, LS, BES & BE1 of the saved adopted Torbay Local Plan 1995-2011 and paragraphs 56, 57, 60 and 61 of the NPPF.

In the absence of a legal agreement under Section 106 of the Town and Country Act 1990 (as amended), the applicant has failed to satisfy the sustainability aims of Policies CF6 and CF7 and the Council's SPD Planning Contributions and Affordable Housing: Priorities and Delivery and Update 3: Economic Recovery. Therefore the development fails to secure the delivery of the physical, social and community infrastructure necessary to make the development acceptable in planning terms. As such, the proposal is contrary to Policies CF6 and CF7 of the Torbay Local Plan 1995-2011 and paragraph 206 of the NPPF.”

Resolved:

That Minute 146 be amended to include the above wording in the reasons for refusal.

165. P/2012/1259/PA 4 Bishops Rise, Torquay

The Senior Planning Officer explained that further to the Development Management Committee held on 8 April 2013 that (Minute 153) refers the reason for refusal should also include;

“The proposed dwelling by reason of its size, siting and design, would represent an inappropriate form of development, due in particular to the resultant cramped nature of the built form and limited available amenity space, resulting in an overdevelopment of the site. The proposed dwelling would therefore have an adverse impact on the character and appearance of the area and would be contrary to policies H9, H10, LS, BES & BE1 of the saved adopted Torbay Local Plan 1995-2011 and paragraphs 56, 57, 60 and 61 of the NPPF.

In the absence of a legal agreement under Section 106 of the Town and Country Act 1990 (as amended), the applicant has failed to satisfy the sustainability aims of Policies CF6 and CF7 and the Council's SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" and "Update 3: Economic Recovery". Therefore the development fails to secure the delivery of the physical, social and community infrastructure necessary to make the development acceptable in planning terms. As such, the proposal is contrary to Policies CF6 and CF7 of the Torbay Local Plan 1995-2011 and paragraph 206 of the NPPF.”

Resolved:

That Minute 153 be amended to include the above wording in the reasons for refusal.

166. P/2013/0042 Firsleigh, Higher Warberry Road, Torquay

The Senior Planning Officer explained that further to the Development Management Committee held on 11 March 2013 that the Condition (Minute 141) to approve subject to the signing of a Section 106 Legal Agreement in accordance with Policy CF6 of the Adopted Torbay Local Plan 1995-2011, be removed, as until Policy change, the S106 Contribution requested relates only to Paignton.

Resolved:

Approved to remove Section 106 Legal Agreement Condition from Minute 141.

167. P/2012/1155/PA Dainton Self Store, Torre Station Yard, Newton Road, Torquay

The Senior Planning Officer explained that further to the Development Management Committee held on 8 April 2013 that the Condition (Minute 152) to approve P/2012/1155/PA subject to the signing of a Section 106 Legal Agreement in accordance with Policy CF6 of the Adopted Torbay Local Plan 1995-2011, be removed, as until Policy change, the S106 Contribution requested relates only to Paignton.

Resolved:

Approved to remove Section 106 Legal Agreement Condition from Minute 152.

Chairman/woman

Agenda Item 7

Application Number

P/2013/0302

Site Address

Land Off Penn Lane
Adj. 19 And 21 Penn Lane
Brixham
TQ5 9NR

Case Officer

Mr Scott Jones

Ward

St Marys With Summercombe

Description

Erection of dwelling

Executive Summary/Key Outcomes

The proposal seeks to provide a dwelling within a redundant site to the rear of 19-21 Penn Lane, Brixham, sunken below the existing ground level and served via a long graduated access that runs between No. 19 and 21 Penn Lane.

The key issues are considered to be in regard to the quality of the residential environment, the impact upon the local character, amenity matters for adjacent occupiers and highway safety.

The proposal is considered to result in the overdevelopment of a restricted site. The scheme will result in a poor residential environment within a hollow, with restricted outdoor space, a limited outlook and a poor aspect. The back-land form of development is considered out of keeping with the established character and the introduction of vehicle movements and manoeuvring adjacent to the rear of neighbouring residential plots is considered detrimental to amenity through noise and disturbance.

The impact on the safety of highway users should be considered following a response from the Authority's Highway Department, which is pending at the time of writing this report.

Notwithstanding the fact that the plot is long redundant and there is a desire to look for the efficient use of land, it is not accepted that the proposal is the only, or best, use of the site so that it may warrant approval where substantive issues stand.

Recommendation

Refusal:

- Poor residential environment
- Not in keeping with the local character and appearance
- Impact upon neighbouring living conditions (due to vehicular movements)
- Lack of a signed s106 to provide necessary infrastructure funding

Members will also need to consider the matter of highway safety following the pending comments of the Authority's Highway Department.

Statutory Determination Period

8 weeks, expired 11 May, determination delayed due to the need for committee consideration, given the extent of local representation and the site's previous planning history.

Site Details

Parcel of vacant overgrown land off of Penn Lane, comprising of a long narrow access strip between the residential properties Nos. 19 and 21 Penn Lane, which opens to a head at its southernmost end. The site backs on to a small industrial estate (Metherell Avenue Industrial Estate) and sits adjacent to a residential property to the east (21A Penn Lane). There is a change of levels, with a retaining wall on the boundary with the parking area of the industrial estate, which is at a lower level.

There is a history of planning applications for the erection of buildings on this site, including for dwellings, an industrial building and a domestic garage, the majority of which have been refused.

The land is included in the area allocated as a Small Business Area Policy E4(7) Castor Road, as it was formerly an access lane to Castor Farm, which has now become the Metherell Industrial Estate. For historical reasons it was therefore included in the Employment Land designation, but in the event it was not used as an access to the industrial estate. The wider part of the site, which is at higher level to the industrial estate, was originally to have been excavated to provide car parking for the workshops.

Detailed Proposals

Two-bed bungalow with attached garaging, sited within the southern head of the site, set adjacent to a turning area at the end of the long narrow access driveway. The bungalow is to be set at a lower level to the existing ground, with between 1.5 - 2 metres of excavation required. There is limited outdoor amenity space with the building tight to the borders to both sides and the rear, with parking and manoeuvring space shown to the front. The rear and side walls are blank and windows are limited to the northerly twin-elevation to serve the two bedrooms and the lounge. Attached garaging is also shown.

Summary of Consultation Responses

Drainage: As the proposal identifies that surface water will be disposed off via soakaways, prior to the grant of permission investigations in respect to the ground conditions should be undertaken and submitted in order to confirm that the ground conditions are suitable for soakaways.

South West Water: No objection subject to foul flows only being connected to the public sewer.

Highways: Pending comments.

Building Control: Raise fire brigade access issues, pertaining to all parts of the dwelling being accessible within 45metres of the adjacent highway where access is restricted. Measures to mitigate this distance in respect to fire access should be considered.

Summary of Representations

Five letters of objection received, which raised the following points;

- Lack of suitable access / highway danger
- Amenity impacts, noise, car lights, general disturbance, privacy
- Same disturbance to residential amenity as cited as reason to dismiss the recent appeal for a domestic garage on the site
- Poor residential environment created

One letter of support on behalf of the client has been submitted citing that there has been a previous residential approval and that the area is included within the Torbay Housing Land Monitor and has been included within the emerging local plan.

It is noted that the letter in support refers to the housing land monitor and emerging Local Plan. However, the housing land monitor does not designate or allocate sites, but is solely a monitor of present and historic permissions. This site is not currently listed within the most recent housing land monitor, due to the age of the sole permission on the site. In addition, the site is too small to be listed within the emerging local plan and it is not known to be designated specifically within the emerging neighbourhood plan (again due to its size).

Relevant Planning History

P/1989/1922 Erection of Detached Bungalow with Parking Spaces - REF / APPEAL DISMISSED - *failed in respect to all 3 main issues (not in keeping with the character and appearance of the area, the effect upon the amenities of neighbouring*

occupiers and the effect on highway safety) and did not offer any over-riding reason that it was the only use of the land which would otherwise lie derelict.

- P/1995/1159 Erection of Detached Dwelling (As Revised By Plans Received 20th May 1996 And 17th June 1996) – APPROVED - *Dwelling (and part of access lane) to be on excavated land at the lower level of the industrial estate (up to 2 metres lower).*
- P/1996/0950 Erection of Detached Dwelling (Revised Scheme) - REF / APPEAL DISMISSED - *failed in respect to key issues (being out of character with the surrounding pattern of residential development - being cramped overdevelopment, leading to unacceptable impacts upon local amenity through noise and disturbance borne from vehicular movements, and offering a poor residential environment for a residential unit set at a lower level through proposed excavation).*
- P/1997/0144 Erection of Detached Dwelling - REF / APPEAL DISMISSED - *failed in respect to key issues (being out of character with the surrounding pattern of residential development - being cramped overdevelopment, leading to unacceptable impacts upon local amenity through noise and disturbance borne from vehicular movements, and offering a poor residential environment for a residential unit set at a lower level through proposed excavation).*
- P/1999/1923 Erection of Detached Dwelling (Revised Scheme) - REF
- P/2010/1076 Formation of double garage - REF
- P/2011/0276 Formation of double garage - REF / APPEAL DISMISSED - *failed on the main issue of the effect of the proposal upon the amenity of adjoining occupiers through noise and disturbance.*

Key Issues/Material Considerations

The key issues are considered to be in regard to (1) the quality of the residential environment proposed, (2) the impact upon the character or appearance of the area, (3) the effect upon local amenity and (4) Highway access and safety.

1. The quality of the residential environment proposed -

The dwelling is shown to be set at a level of up to 2 metres below the existing ground, served by a gradual descending driveway access with no apparent

outdoor amenity space. The rear and side walls are blank and are set in close proximity to the rear retaining wall and the proposed fencing that will be set above it. Windows are limited to the northerly twin-elevation that serves the two bedrooms and the lounge.

The building would be set within a hollow, with windows limited to a poor aspect in terms of natural light and with limited outlook over a tight parking head. The dwelling would be provided with little usable outdoor amenity space. As such, the proposal is considered to be a poor residential environment with facilities not commensurate with what would be expected from such a dwelling.

It is noted that the scheme is similar to that which was approved by the Authority following an application in 1995 (see planning history above related to P/1995/1159). However, when judged on present planning merit this is not considered a reason to support the proposal. Indeed a subsequent appeal decision for a dwelling that was not sunken, cited that the Inspector concurred with the view of the appellant that the previously sunken dwelling would be built in something of a pit and, despite the design being tailored to the site, it would result in an unsatisfactory development.

The 1995 application was approved in 1996. That decision was made some 17-18 years ago and was both preceded and followed by refusals and dismissed appeals on the site. Although it is a part of the relevant planning history and, as such, has been given due consideration, given the passage of time and the change in policy since the 1995 decision, little weight has been attached to it. Greater weight in this case has been attached to current policy and other live material considerations along with the most recent decision on the site which was a dismissed appeal in 2011 for a garage.

2. The impact upon the character or appearance of the area -

The proposal is to be set behind the established line of buildings providing a dwelling within a cramped space with little curtilage. Although the sunken nature of the proposal would lessen the prominence of the building within the area, it would no doubt be apparent within the local built environment. Previously Inspectors have noted that although there are examples of plots behind the general alignment, conclusions were formed that these were not examples to follow in an area characterised by a more typical pattern of development.

In regard to present merit such concerns are maintained that the proposal would not be in keeping with the character and appearance of the area.

As such, the scheme would be contrary to Local Plan Policy and policy guidance in the National Planning Policy Framework in respect of local character and distinctiveness.

3. The effect upon local amenity -

With consideration of the levels and distances involved to neighbouring plots and properties, it is unlikely that the building or its use would result in undue levels of overlooking or loss of privacy, or loss of light or outlook.

However, the proposed vehicular access, with resultant manoeuvring, access and egress of vehicles, would introduce a degree of noise and disturbance towards the rear of adjacent residential plots. Previously Inspectors have concluded that it would be unreasonably detrimental to the amenities of neighbouring residents to introduce such activity. A view that was most recently upheld in 2011, wherein the Inspector dismissed an appeal for a domestic garage on the land. All matters considered there appears no reasoned case to suggest that these recent amenity concerns are no longer valid.

4. Highway access and safety -

The proposed vehicular access for the dwelling is via a restricted entrance off a relatively narrow road, with what appears to be extremely limited lines of sight for vehicles exiting, or indeed for vehicles using Penn Lane to appreciate that a vehicle may be exiting the site.

In supporting previous proposals on this site, precedents along Penn Lane have been cited. However, officers concur with Inspectors' past decisions in reaching the view that although there are other points of access in the vicinity of a similar type, they are not regarded as desirable precedents which should justify an exception to required standards in this case.

The Authority's Highway Department have been consulted and comments are awaited. It is however noted that the consultation response regarding the recently refused garage proposal stated that highways giving regard to due precedent would raise no objection.

S106/CIL -

The application seeks to provide a dwelling, which through occupancy would create additional pressures upon local and social infrastructure. If supported, contributions should be secured through the development process to provide for infrastructure provision as mitigation. The Council's adopted SPD Planning Contributions and Affordable Housing: Priorities and Delivery, together with the Update 3 advisory paper, outlines the level of obligations which should be sought, which are detailed below.

Scale of development proposed: 1 dwelling (1@ 75-94m² floor area)

Level of contributions triggered by the development:

Sustainable Transport:	£ 2350 adjusted for SDLR =	£2183
Greenspace and Recreation:	£ 2050 adjusted for SDLR =	£1883
Lifelong Learning:	£ 300 adjusted for SDLR =	£ 133
Waste & Recycling:	£ 50	
South Devon Link Road	£ 500	
Administration (5%)	£ 237	

Total: £ 4987* (+ the Council's legal fees approx £500)

*5% discount should the amount be paid up front prior to the issuing of a positive decision.

The scheme fails on wider planning merit and hence negotiations towards an agreed S106 have not been furthered. The absence of one should however be cited as a reason for refusal.

Conclusions

Notwithstanding a lone historic approval (1996) for a similar scheme on this site, the proposal is considered overdevelopment of a restricted site that provides a poor residential environment within a hollow. The dwelling would have restricted outdoor space, a limited outlook and a poor aspect.

The back-land form of development is also considered out of keeping with the established character and the introduction of vehicle movements and manoeuvring adjacent to the rear of neighbouring plots is considered detrimental to amenity.

The impact on the safety of highway users should be considered following a response from the Authority's Highway Department, which is pending.

Notwithstanding the fact that the plot is long redundant and there is a desire to look for the efficient use of land it is not accepted that the proposal is the only, or best, use of the site that should warrant approval where substantive issues stand.

Condition(s)/Reason(s)

- 01.
- 02.
- 03.
- 04.

Relevant Policies-

Agenda Item 8

Application Number

P/2012/1074

Site Address

Land Off Alfriston Road
Paignton
Devon

Case Officer

Matt Diamond

Ward

Description

Minor Revisions to Layout and Reduction in Number of Dwellings: Residential development to form 92 dwellings, creation of new vehicular and pedestrian accesses and associated works

Executive Summary/Key Outcomes

This application was taken to Development Management Committee in February when Members deferred it for further negotiations with the applicant in respect of the remaining design issues, and the undertaking of a viability assessment and further negotiations in respect of the contents of the Section 106 Agreement.

At the time of writing this updated report a draft independent viability assessment is being prepared and will be finalised shortly, and negotiations are continuing with the applicant over the contents of the Section 106 Agreement. The full position with respect to the Section 106 Agreement will be reported at Committee.

In terms of the design issues, these have largely been resolved following two sets of further revisions. The number of dwellings has reduced further from 92 to 84, which has helped to overcome the previous concerns. In addition, the main road through the site from Alfriston Road would now go directly up the slope instead of looping to the north.

Importantly, this revised design approach now fits with the emerging draft Great Parks masterplan, which covers the whole of the phase 2 development land both at the application site and to the north. Development of this site will help deliver a new local centre, within Phase 2, and a community park in the valley to the west of the site. Significant progress has been made with landowners in Phase 2, which includes Council owned land, to ensure the site can be developed in the next 5 years.

The revised principle route through the site allows for a more legible street hierarchy, with a primary route for vehicles (including potential for a bus route) and secondary streets that are more pedestrian friendly. In addition, the character of the housing has been simplified in terms of use of materials, which will help to create a more distinctive place, provided the materials are of a good quality. It is considered that the revised design (subject to some further detailed design negotiations) overcomes the Design Review Panel's previous concerns with the scheme.

Officers would like delegated authority to continue to seek improvements to the secondary streets in terms of traffic calming and place making, and to explore further opportunities for pedestrian connectivity between the secondary streets, whilst the S106 Agreement is being completed. Alternatively some of the minor design matters could be dealt with by condition.

Contrary to previous evidence, it has been confirmed that the Cotehele Drive/King's Ash Road junction has enough capacity to cope with the traffic generated by the proposed development until 2018. At this point in time the junction would go over capacity making the proposed development unacceptable. However, by this time the rest of Great Parks Phase 2 should have been delivered, including the access road to the site from the northwest. When this new access road has been built, the access from Alfriston Road could be closed to all but pedestrians, cyclists and buses, which can be secured in the S106 Agreement.

Therefore, there would not be a detrimental impact on the Cotehele Drive/King's Ash Road junction in that event. The provision of MOVA traffic signals at the junction by the applicant would possibly extend the capacity of the junction by a year, but this would need to be confirmed by further traffic modelling at that time. In the event of non-delivery of the remainder of the Great Parks development a bond would be secured through the 106 to carry out any necessary improvement works to the capacity of the Cotehele junction.

Recommendation

Conditional approval delegated to the Executive Head of Spatial Planning; subject to seeking further enhancements to the secondary streets to prioritise pedestrians over vehicles, changing the roofs of plots 10, 58 and 84 to normal gable ends, and further exploring opportunities for pedestrian connections between the secondary streets; subject to the signing of a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning within 6 months of the date of this committee or the application be reconsidered in full by the committee. Appropriate planning conditions to be determined by the Executive Head of Spatial Planning.

Site Details

The site is located on the western edge of Paignton. It is bounded by residential properties to the southeast, a public footpath (Luscombe Road) and residential properties to the northeast, and open countryside to the northwest and southwest. The site area is 1.8 ha. The site is allocated for housing in the Adopted Torbay Local Plan 1995-2011 (the 'Local Plan') as part of Great Parks Phase 2 and has been identified as a 5 year housing supply site in the emerging Local Plan.

The Council has commissioned external consultants to produce a masterplan for Great Parks Phase 2, which is currently being prepared with community events forming an important part of the masterplanning process. The site is also part of the Ramshill County Wildlife Site (CWS) and SINC (Sites of Importance for Nature Conservation).

The countryside to the northwest and southwest also forms part of the CWS and SINC. It is also designated in the Local Plan as an Area of Great Landscape Value (AGLV). A large part of it is also located within the 5km buffer greater horseshoe bat sustenance zone and a strategic flyway associated with the South Hams Special Area of Conservation (SAC) at Berry Head. These come to within 5 metres and 30 metres of the southwest boundary of the site. Luscombe Road is designated as a cycle route in the Local Plan.

Alfriston Road is a cul-de-sac that meets the site approximately half way along the southeast boundary. This could provide vehicular access to the site. In addition, there is an existing pedestrian access to the site from Luscombe Road in the northern corner of the site.

The site comprises a field of improved grassland surrounded by both species rich and species poor hedgerows, with trees. A 1-2m margin of tall ruderal plant species borders the

hedgerows, with a bank of bracken also present along the eastern edge. A number of protected and/or notable species of flora and fauna have been recorded on the site. The site topography rises from southeast to northwest by 12.23m, measured from the lowest point in the far eastern corner to the highest point approximately half way along the northwest boundary.

Detailed Proposals

The revised proposals comprise a residential development of 84 dwellings: 21 no. 2-bed dwellings (2 coach houses, 12 flats, 1 terraced house and 6 semi-detached houses); 43 no. 3-bed dwellings (18 terraced houses, 24 semi-detached houses and 1 detached house); and 20 no. 4-bed dwellings (6 terraced houses, 6 semi-detached houses and 8 detached houses). The number of dwellings has decreased by a further 8 dwellings from 92 to 84 as a result of negotiation on layout and design.

Building heights range from 2 storeys to 3 storeys, with a number of 2 and a half storey terraced and semi-detached houses, and split 2/3 storey terraced and semi-detached houses.

Vehicular access to the site would be from Alfriston Road. This could, depending on the outcome of the final masterplan for Phase 2, be a temporary vehicular access until access is provided through the remainder of the Great Parks Phase 2 site to the northwest. However, it would remain accessible to pedestrians, cyclists and buses. The road would now go directly up the slope with secondary streets either side. A pedestrian link is retained to Luscombe Road to the north.

The design of the dwellings has been simplified further. The rationale is to create two distinctive characters, predominantly render along the main road and brickwork around the secondary streets.

A (soft) landscape scheme has been submitted. This includes provision of ornamental shrub and grass borders in front of properties, as well as street trees and hedgerows. No public open space would be provided.

All of the proposed houses would have two parking spaces, either within the curtilage or within unadopted parking bays adjacent to the street. The proposed flats would have 1 parking space per dwelling, provided within parking courtyards and the requisite visitor's parking would also be provided.

The plans show that the primary street up the slope, secondary streets and footpath to Luscombe Road would be adopted by the Local Highway Authority. The parking courtyards would be private.

Summary Of Consultation Responses

A comprehensive summary of consultation responses was reported to Development Management Committee in February. The previous Committee Report is appended to this report. Below is a summary of additional consultation responses received since February.

RSPB (comments followed second set of revised plans): None of the changes affect the comments and concerns already expressed, so the views in letter dated 23/10/12 are still relevant. It is essential there is adequate strategic mitigation for the impacts on this development via contributions to secure off-site habitat provision and management regards the loss of part of the Ramshill CWS and the habitat it provides for protected species including curlew.

buntings. The retention of hedges within the boundaries of proposed dwellings will most likely lead to the loss of their existing wildlife value through inappropriate management such that these features cannot be regarded with any confidence as part of on-site mitigation. No details are provided in regard to a contribution for biodiversity offsetting and conditions for biodiversity enhancements. RSPB and Natural England should be consulted on the scope and content of biodiversity offsetting and mitigation/enhancement measures.

Housing Services (comments followed second set of revised plans): Support the application provided 30% affordable housing is included (10% social rent / 10% affordable rent / 10% intermediate) and secured in a S106 Agreement.

Strategic Transportation (comments followed second set of revised plans): Expressed further concerns with the future capacity of the Cotehele Drive/King's Ash Road junction stating there is capacity until 2018 for the proposed development, but it will exceed capacity when the rest of Great Parks Phase 2 is developed. Further work is required by the applicant to adjust their model, as the data they have used may still be low.

Natural England (comments followed second set of revised plans): Fail to understand how the revised information addresses the matters raised in letters dated 7/11/12 and 19/12/12. Support RSPB comments above.

Engineering – Drainage (comments based on Flood Risk Assessment V3 received 24/04/13): Although a number of previous comments have been addressed the majority have not. Therefore, before planning permission can be granted the applicant must supply the details requested.

Torbay Design Review Panel: Comments provided in relation to the previous scheme. Officer's view is that the revised submission attends to the majority of these comments and, following further design negotiations on the detail of the submission, it is anticipated the DRPs concerns will be resolved.

No further consultation responses have been received on the latest set of plans. Any further responses will be provided as late representations or reported verbally.

Summary Of Representations

32 objections have been received and one representation which raised no objection provided another vehicle access to the site could be found that does not go through the existing road network. The following material considerations were raised, although the majority of these relate to earlier iterations of the proposals:

- King's Ash Road and the estate are at capacity and cannot cope with more traffic
- Alfriston Road not wide enough/suitable to accommodate an access road
- More housing is required, but the infrastructure should be put in place first with access from a new junction on King's Ash Road near Spruce Way
- There is only one access to the estate from King's Ash Road
- Impact of construction traffic on residential amenity/child safety
- Premature to proceed ahead of the masterplan in a piecemeal manner
- Any approval should be conditional on the construction of an alternative vehicular route to the north
- Housing density is very high and not in keeping with surroundings

- Few detached houses – not in keeping with existing surrounding properties
- 3 storey buildings on top of slope will cause visual impact – buildings should be no more than 2 storeys
- Steep nature of site will create problems overlooking and reduced privacy for existing houses
- Not enough parking, which is likely to lead to roads cluttered with cars
- Concerns with impact of proposals on localised flooding
- Render on elevations will not fit in with the existing estate and will deteriorate quickly if not properly maintained
- Storage areas for the large refuse bins have not been identified
- Noise and dust pollution during construction
- No plans to develop local facilities and services within the application – the area has very poor services and facilities, especially recreation and play facilities
- Impact on local wildlife
- Location of proposed substation in close proximity to existing residential property
- No public consultation has been carried out
- No foot or cycle path links in or out of development
- Still outstanding work from Phase 1
- Light pollution
- Would spoil Area of Great Landscape Value
- Pressure on local schools and medical facilities
- Potential slope instability from water entering upper levels of slope/soakaways
- Trial pits not in location of individual property soakaways or communal soakaway
- Concern over the location of the communal soakaway above and behind existing properties to the south of the site
- Impact on trees/hedgerows
- Overdevelopment – housing not needed
- Loss of potential agricultural land
- Impact on foul drainage
- The revised plans take no account of the major objection of local residents – impact on local highways during construction and after the development is completed
- Access to the site from the northwest must be constructed before any development begins, leaving Alfriston Road as pedestrian access only
- Does nothing to address previous objections
- No change to the access to the site
- No advances on the original scheme
- Consideration of the proposals should be deferred until the Great Parks masterplan is approved
- 84 dwellings is still too high density
- There should be design continuity between Great Parks Phase 1 and 2

The emerging masterplan for Phase 3 included, as a key element of the process, a three day community engagement event during which a draft masterplan was produced. This event showed that many residents accept the principle of development but want to ensure a high quality development which respects its landscape setting, the delivery of a new local centre and new community park. In the past, residents have expressed concern about vehicle connections between Phases 1 and 2. However, it is now appreciated by residents that, with careful traffic management, it may well be possible to link the two phases so that drivers have

options for entering/leaving the estate. The final masterplan will be the subject of further engagement with the community.

Relevant Planning History

ZP/2007/0714: Residential Development (pre-application enquiry): Split Decision 30.08.2007
ZP/2012/0151: Housing development (pre-application enquiry): Refuse 20.08.2012
P/2012/0660: Screening opinion: EIA not required 04.09.2012

Key Issues/Material Considerations

The key issues are:

1. The principle of the development
2. Impact of the development on local highways, including the capacity of Cotehele Drive/King's Ash Road junction
3. Design
4. Car parking
5. Privacy and amenity
6. Impact on biodiversity/loss of part of CWS
7. Surface water drainage
8. Affordable housing

1. The principle of the development

The principle of the development is acceptable, as the site is allocated for housing in the Local Plan as part of Great Parks Phase 2 (Policy H1). The National Planning Policy Framework (NPPF) advocates a presumption in favour of sustainable development, which for decision taking means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted. (Para 14)

Unless material considerations indicate otherwise.

Therefore, provided the design and technical matters of the application are in accordance with the policies in the Local Plan, the application should be approved. Where issues are not addressed by policies in the Local Plan, or policies are out-of-date, the application should be approved unless its impacts are significantly greater than its benefits, taking into account the policies in the NPPF, or policies in the NPPF restrict development on the site.

Since March 2013, weight may be given to Local Plan policies according to their degree of consistency with the NPPF.

The NPPF states that its policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system (Para 6).

The sections below discuss the acceptability of the proposed development with reference to the other relevant policies in the Local Plan and the policies in the NPPF, i.e. how sustainable is the proposed development?

2. Impact of the development on local highways, including the capacity of Cotehele Drive/King's Ash Road junction

Contrary to previous evidence, it has been confirmed that the Cotehele Drive/King's Ash Road junction has enough capacity to cope with the traffic generated by the proposed development until 2018. This could be extended by about 1 year through the introduction of MOVA traffic signals at the junction, but this would have to be confirmed by carrying out further traffic modelling closer to the time.

Therefore, the proposed development is acceptable in this regard, as by the time the Cotehele Drive/King's Ash Road junction goes over capacity in 2018/2019, the rest of Great Parks Phase 2 should have been built, including the access road to the site from the northwest. When access to the site from the northwest has been provided, access to the site from Alfriston Road can be closed to vehicular traffic except for buses.

As the proposed development will eventually be served via the new access to Great Parks Phase 2 further to the north along King's Ash Road and its acceptability is dependent on this, the development should contribute to funding the new access as a site acceptability contribution. This should be calculated on a pro rata basis according to the proposed number of dwellings on the site and the estimated number on Great Parks Phase 2 as a whole.

Should for any reason the rest of Great Parks Phase 2 not be built prior to 2018/2019 when the Cotehele Drive/King's Ash Road junction goes over capacity, the funding towards the new access should be spent instead on upgrading the existing junction to ensure that it operates within capacity. The funding should be secured as a bond in a S106 Agreement.

The above provision does not take into account the impact of development coming forward on the rest of Great Parks Phase 2 on the Cotehele Drive/King's Ash Road junction as a result of additional traffic flow along King's Ash Road. This might realistically be built before the access road to the site from the northwest has been completed to the extent of providing access to the application site. However, it is important to secure the delivery of housing on the site now rather than waiting. This is a significant material consideration given the need for housing and the fact that this site falls within the Council's list of 5 year supply sites. In addition, the development could be seen as 'pump priming' delivery of the rest of Great Parks Phase 2 through the measures to be secured in the s106 and through the commencement of development on this site.

The proposed development would not have a significant impact on other local highways on the estate or in the wider area. Should planning permission be granted, local residents' concerns regarding the impact of construction traffic on the estate roads and local amenity can be addressed through a condition for a Construction Method Statement requiring these details. Furthermore, if so required a construction access could be provided to the north off of Luscombe Road, although at this time it is not anticipated that this will be a requirement.

It may be necessary (in order to avoid creating a rat run) to secure the future restriction of the access into the site from Alfriston Road (when the northern access is provided). In this event, the s106 or conditions would need to include provision for a bus gate to preclude all movements from the north through the site to Alfriston Road with the exception of buses,

cyclists, pedestrians and emergency vehicles. The masterplanning work suggests that this may not be necessary and further negotiations will provide clarity on this matter before the 106 is signed and the decision is issued.

Based on the above, the proposal accords with criteria (2) and (3) of Policy T26 of the Local Plan, subject to a bond towards funding the new access to Great Parks Phase 2 or improvements to the Cotehele Drive/King's Ash Road junction secured in a S106 Agreement.

3. Design

Since the application was deferred at the February Development Management Committee the proposal has been revised twice to address the remaining design issues. As a consequence the number of dwellings has reduced from 92 to 84.

The applicant has responded to the concerns previously raised and the scheme is now considered generally acceptable in design terms. One of the key changes is to provide the main street directly up the slope rather than looping to the north. This solves a number of problems with the previous layout and importantly this is also consistent with the draft Great Parks masterplan. This has also resolved the more significant concerns raised by the Torbay Design Review Panel.

The majority of housing would be accessed off secondary streets that are designed to prioritise pedestrians instead of traffic. Street trees would be planted along the secondary streets in order to help calm traffic and soften the appearance of the development, particularly when viewed from Lutyens Drive to the northeast. There may be opportunities to improve these streets further and officers would like the opportunity to continue negotiating this with the applicant. In addition, the roofs of plots 10, 58 and 84 should be changed to normal gable ends in order to provide ridges and be consistent with the rest of the scheme and further opportunities for pedestrian connectivity between the secondary streets should be explored.

The design of the housing has been simplified in relation to materials. The applicant has committed to providing quality brickwork where it is used. This would contribute to providing a distinctive place with character.

The reduction in dwellings has led to a reduction in car parking. There is now a better relationship between the proposed dwellings and car parking, and the level of parking is considered acceptable and would not overly dominate the streets.

There is still no public open space on the site or meaningful provision of green infrastructure, although the important hedgerows around the site boundary would be retained. A contribution towards providing public open space / community park elsewhere on Great Parks Phase 2 is therefore being sought in the S106 Agreement as a sustainable development contribution. This will be subject to the independent viability assessment.

Subject to some further tweaking as described above, the proposal is considered to accord with Policies H9, H10, CF2, BE1, BE2 and T26(1) of the Local Plan, and Section 7 of the NPPF.

4. Car parking

The Council's parking standards require 2 garages/car parking spaces per dwelling within the curtilage, or 1 car parking space per dwelling plus 1 visitor's space per 2 dwellings located within reasonable walking distance of the units to be served. For flats it is 1 garage/parking

space per unit plus 1 space per 2 units for visitors. Whilst these are maximum standards, the location of the development site on the edge of Paignton means that the maximum provision is required.

The proposal now complies with the Council's parking standards and therefore accords with Policy T25 of the Local Plan.

5. Privacy and amenity

The separation distances between the proposed dwellings and existing properties surrounding the site appear satisfactory in order to maintain adequate levels of privacy and amenity. This can be supplemented with vegetation screening if necessary.

The separation distances between the proposed dwellings within the central perimeter block in the north of the site is less than what would usually be expected, especially given the difference in levels. However, this cannot be improved without significant and dramatic changes to the layout that could lead to the loss of a significant number of dwellings. Therefore, as future occupiers would be aware of this when they buy/let the property and vegetation screening could be used to provide greater levels of privacy, this is considered acceptable in the circumstances.

Therefore, in terms of privacy and amenity, the proposal accords with Policy H9 of the Local Plan.

6. Impact on biodiversity/loss of part of CWS

Both the RSPB and Natural England have expressed concern over the lack of detail in the application of how the proposal would mitigate for the loss of part of the Ramshill County Wildlife Site, and how this mitigation would relate to mitigation for the rest of Great Parks Phase 2. Natural England has recommended using the Torbay biodiversity offsetting pilot to help calculate off-site compensation, where on-site mitigation measures are restricted. The Council's former Green Infrastructure Coordinator used this tool to calculate a contribution from the proposed development towards the proposed community park adjacent to Great Parks Phase 2 to offset the biodiversity loss on the site, including ongoing management and maintenance. This contribution should be secured in a S106 Agreement as a site acceptability matter.

Therefore, the proposal will accord with Policy NC3 of the Local Plan, subject to a contribution for biodiversity offsetting secured in a S106 Agreement. In addition, recommendations for biodiversity enhancements in the application should be secured by condition.

7. Surface water drainage

The Council's Engineering – Drainage department has confirmed that the proposed drainage strategy appears satisfactory, but further details are required before planning permission can be granted. Following the submission of the first revised Flood Risk Assessment (V2), the Environment Agency confirmed that it would be happy with a condition to deal with these details. Following the submission of the second revised Flood Risk Assessment (V3) the Council's Engineering – Drainage department has confirmed that these details can now be dealt with by way of a pre-commencement condition.

As part of the surface water runoff from the site would drain into the main sewer, both the Council's Engineering – Drainage department and the Environment Agency require a financial contribution towards both maintenance and works to increase the storage capacity of the Great

Parks storage lagoon situated on the Clennon Valley watercourse. This is necessary because it currently only caters for the phase 1 development, and in order to reduce the risk of flooding to properties downstream. The contribution should be calculated on a pro rata basis according to the proposed number of dwellings on the site and the estimated number on Great Parks Phase 2 as a whole. It should be secured in a S106 Agreement as a site acceptability contribution.

Therefore, the proposal accords with paragraphs 99-104 of the NPPF with reference to managing flood risk, subject to the submission of the details requested above before development commences on the site and a contribution towards upgrading and maintaining the Great Parks storage lagoon secured in a S106 Agreement.

8. Affordable housing

The applicant previously committed to providing 30% affordable housing in accordance with Policy H5 of the Local Plan. However, this is no longer the case and the level of affordable housing is being negotiated with the applicant as part of the contents of the S106 Agreement. The position will be reported verbally at Committee.

S106/CIL - The following site acceptability contributions are required in accordance with Policy CF6 of the Local Plan and the Planning Contributions and Affordable Housing SPD:

Waste Management	£4,200.00
Bond for contribution towards Great Parks Phase 2 access	£262,500.00
Biodiversity/CWS offsetting (works and maintenance)	£90,429.00
Upgrading and maintenance of Great Parks storage lagoon	£131,664.54
Great Parks masterplan Local Centre	£27,720.00

In addition, contributions are required towards the following sustainable development matters, although these cannot be calculated until the level of affordable housing has been agreed due to mitigation that is applied to affordable housing:

Sustainable Transport (Sustainable Development)
Stronger Communities (Sustainable Development)
Education (Sustainable Development)
Lifelong Learning – Libraries (Sustainable Development)
Greenspace and Recreation (Sustainable Development)

In addition, a contribution is required towards the South Devon Link Road (SDLR) in accordance with the 'Third Party Contributions towards the South Devon Link Road' report adopted by the Council on 6 December 2012. This must be subtracted from other contributions, taking into account the recommended order of priority in the SDLR report. Again this cannot be calculated until the level of affordable housing has been agreed.

As stated, a draft independent viability assessment has been prepared and this is being used to negotiate the contents of the S106 Agreement with the applicant, including affordable housing. The latest position will be reported verbally at Committee.

S106 Justification

Site Acceptability

The contribution towards waste management is justified in paragraph 2.18 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6) and will pay the cost of providing bins to the proposed dwellings. It also accords with Local Plan Policy W7.

The bond for a contribution towards Great Parks Phase 2 access, minus the cost of MOVA traffic signals, is justified because the proposed development will eventually be served via the new access to Great Parks Phase 2 further to the north along King's Ash Road and its acceptability is dependent on this.

The contribution required to offset biodiversity impact on the site and loss of part of the County Wildlife Site is justified because biodiversity mitigation will not be provided on-site. Further justification is provided in the consultation responses from the RSPB and Natural England. This approach is given weight in Section 11 of the NPPF.

The contribution towards upgrading and maintaining the Great Parks storage lagoon on the Clennon Valley watercourse is justified because surface water from the development site will drain into the main sewer, which will place additional burden on this infrastructure and increase the risk of flooding to downstream properties. The storage lagoon and other attenuation measures were only constructed to accommodate the downstream discharge from Great Parks Phase 1, not Great Parks Phase 2 also.

The contribution towards the Local Centre is justified, as the development site forms part of Great Parks Phase 2, which must include a Local Centre in order to deliver a sustainable community. The land required for the Local Centre will have less value than land for residential development and this cost should be borne equally by all the land owners of Great Parks Phase 2.

South Devon Link Road

The contribution towards the SDLR is justified in Appendix 1 of the 'Third Party Contributions towards the South Devon Link Road' report adopted by the Council on 6 December 2012 and is based on an assessment of the impact that the development would have on the road.

Affordable Housing

30% affordable housing is justified in Section 3.0 of LDD6. It also accords with Local Plan Policy H5.

Sustainable Development Contributions

The contribution towards sustainable transport is justified in paragraphs 4.12-4.24 of LDD6 and will be used towards the enhancement of local bus/cycle infrastructure. The NPPF and Local Plan Policy T2 promote sustainable transport modes. The proposed dwellings would generate additional trips and should therefore contribute toward sustainable transport in the area.

The contribution towards stronger communities is justified in paragraphs 4.31-4.35 of LDD6 and will be used towards the provision of a street warden in the area.

The contribution towards education is justified in paragraphs 4.40-4.46 of LDD6 and will be used towards funding Children's Services Capital Programme, which includes projects at Roselands Primary School and White Rock Primary School in Paignton. The proposed development includes family dwellings where children might reasonably be expected to go to these schools; therefore, the development should contribute towards education. It also accords with Local Plan Policy CF7.

The contribution towards lifelong learning is justified in paragraphs 4.47-4.51 of LDD6 and will be used towards the cost of improving provision at Paignton Library, including Wi-Fi. The proposed dwellings would place additional demand on the services provided by Paignton Library and the contribution will ensure these services are provided with funding to mitigate the proposed development.

The contribution towards greenspace and recreation is justified in paragraphs 4.52-4.58 of LDD6. No public open space will be provided on-site; therefore a contribution is required towards provision of off-site public open space elsewhere on Great Parks Phase 2.

Conclusions

Following the deferment of the application at Development Management Committee in February, the applicant has worked positively with officers to resolve the remaining design issues. This has resulted in the loss of 8 dwellings and the rerouting of the main road directly up the slope, which has overcome the main design issues with the previous scheme. Furthermore, the proposal now fits in with the key principles of the draft masterplan coming forward for Great Parks Phase 2. Therefore, subject to some minor tweaks described in this report, the design of the proposed development is acceptable.

The contents of the S106 Agreement are still being negotiated with the applicant. A draft independent viability assessment has been prepared, which will be finalised shortly. The position will be reported at Committee.

APPENDIX

Application Number

P/2012/1074

Site Address

Land Off Alfriston Road
Paignton
Devon

Case Officer

Matt Diamond

Ward

Description

Minor Revisions to Layout and Reduction in Number of Dwellings: Residential development to form 92 dwellings, creation of new vehicular and pedestrian accesses and associated works

Executive Summary/Key Outcomes

The application is a full application to develop a site on part of the land known as Great Parks Phase 2, which is allocated for housing in the Adopted Torbay Local Plan 1995-2011 (the 'Local Plan'). A masterplan is currently being prepared for Great Parks Phase 2 and this application has been submitted before the masterplan principles have been established for the site and wider area. However, the proposal would result in early delivery of housing on the site, helping the Council to meet its 5 year land supply, and could help to 'pump prime' the overall development.

The original proposal was for 98 dwellings on the site, but following two sets of revisions the proposed number of dwellings is now 92. However, there are still a number of issues to be resolved with the design of the scheme, which could be attributed in part to the fact that too much development is trying to be squeezed onto this steeply sloping site. The amount of development on the site in terms of building footprint has not decreased in the reduction to 92 units, as the reduction has been achieved by removing the second storeys of three blocks of flats.

Contrary to previous evidence, it has been confirmed that the Cotehele Drive/King's Ash Road junction has enough capacity to cope with the traffic generated by the proposed development until 2018. At this point in time the junction would go over capacity making the proposed development unacceptable. However, by this time the rest of Great Parks Phase 2 should have been delivered, including the access road to the site from the northwest. When this new access road has been built, the access from Alfriston Road can be closed to all but pedestrians, cyclists and buses, which can be secured in a S106 Agreement. Therefore, there would not be a detrimental impact on the Cotehele Drive/King's Ash Road junction in that event. The provision of MOVA traffic signals at the junction by the applicant would possibly extend the capacity of the junction by a year, but this would need to be confirmed by further traffic modelling closer to the time.

Officers are still negotiating with the applicant over the acceptable amount of contributions for the development and mix and tenure of affordable housing. The applicant has stated that it is able to make contributions up to £450K, but, due to a

number of site acceptability issues needing to be dealt with, the full suite of contributions normally required to make the development acceptable would exceed this amount. The updated position in respect of s106 obligations will be reported at Committee.

Recommendation

Conditional approval delegated to the Executive Head of Spatial Planning; subject to overcoming the remaining design issues (through a moderate reduction in the number of dwellings, resultant improvements to the layout, revisions to the general architecture, materials, parking layout and hard and soft landscaping), and; subject to the signing of a s106 legal agreement in terms acceptable to the Executive Head of Spatial Planning within 6 months of the date of this committee or the application be reconsidered in full by the committee. Appropriate planning conditions to be determined by the Executive Head of Spatial Planning.

If members consider that the resolution of outstanding matters should be reviewed by the committee then the application will be returned to a future committee for further consideration.

Site Details

The site is located on the western edge of Paignton. It is bounded by residential properties to the southeast, a public footpath (Luscombe Road) and residential properties to the northeast, and open countryside to the northwest and southwest. The site area is 1.8 ha. The site is allocated for housing in the Local Plan as part of Great Parks Phase 2. The Council has commissioned external consultants to produce a masterplan for Great Parks Phase 2, which is currently being prepared. The site is also part of the Ramshill County Wildlife Site (CWS) and SINC (Sites of Importance for Nature Conservation).

The countryside to the northwest and southwest also forms part of the CWS and SINC. It is also designated in the Local Plan as an Area of Great Landscape Value (AGLV). A large part of it is also located within the 5km buffer greater horseshoe bat sustenance zone and a strategic flyway associated with the South Hams Special Area of Conservation (SAC) at Berry Head. These come to within 5 metres and 30 metres of the southwest boundary of the site. Luscombe Road is designated as a cycle route in the Local Plan.

Alfriston Road is a cul-de-sac that meets the site approximately half way along the southeast boundary. This could provide vehicular access to the site. In addition, there is an existing pedestrian access to the site from Luscombe Road in the northern corner of the site.

The site comprises a field of improved grassland surrounded by both species rich and species poor hedgerows, with trees. A 1-2m margin of tall ruderal plant species borders the hedgerows, with a bank of bracken also present along the eastern edge. A number of protected and/or notable species of flora and fauna have been recorded on the site. The site topography rises from southeast to northwest by 12.23m, measured from the lowest point in the far eastern corner to the highest point approximately half way along the northwest boundary.

Detailed Proposals

The proposals have been revised twice since the application was originally submitted,

following comments from the Design Review Panel and planning officers. The latest plans are for a residential development with a total of 92 dwellings, comprising: 30 no. 2-bed dwellings (1 coach house, 20 flats and 9 terraced houses); 37 no. 3-bed dwellings (1 maisonette, 22 terraced houses and 14 semi-detached houses); and 25 no. 4-bed houses (8 terraced houses, 10 semi-detached houses and 7 detached houses).

The number of dwellings has reduced by 6 from the plans originally submitted, this has been achieved by reducing the heights of three of the blocks of flats from 3 storeys to 2 storeys, resulting in the loss of 2 flats in each block. This has been carried out in order to provide enough parking for these blocks of flats with reference to the Council's parking standards. Building heights range from 2 storeys to 3 storeys, with a number of 2 and a half storey terraced houses and split 2/3 storey semi-detached and detached houses also.

28 (30%) of the dwellings are proposed as affordable housing (12 no. 2-bed flats, 7 no. 2-bed terraced houses, 7 no. 3-bed terraced houses and 2 no. 4-bed semi-detached houses). The mix of affordable housing is 68% 2-bed, 25% 3-bed and 7% 4 bed. This compares to the total mix of dwellings of 33% 2-bed, 40% 3-bed and 27% 4-bed. About two thirds of the affordable housing would be located to the north of the site, with a smaller cluster in the centre and 3 affordable dwellings to the south.

Vehicular access to the site would be from Alfriston Road. This would continue through the site by looping to the north before turning through 90 degrees and meeting the northwest boundary more-or-less directly opposite Alfriston Road to provide a future vehicular connection to the rest of Great Parks Phase 2. This connection is annotated as a bus link on the plans. A stepped pedestrian footpath would be built directly up the slope from Alfriston Road to the new connection to provide a more direct and shorter route for pedestrians. An access road would be built to provide access to the southern part of the site. This would be block paved instead of tarmac to indicate a more pedestrian friendly environment and to slow traffic. Three parking courtyards would also be built, one in block paving in the northern corner of the site and two in permeable paving to the south of the site entrance from Alfriston Road and for the 'L' shaped block of flats. A footpath would connect the end of the parking courtyard to the north with Luscombe Road.

The buildings would have fairly simple standard designs, with pitched roofs and render and brick elevations. The amount and patterning of brickwork to render varies across the site according to unit type, although the amount of brickwork has been reduced on some of the units following comments from planning officers in order to try and enhance the character of the scheme. Some of the larger dwellings would have integral garages. Buildings would generally be arranged back-to-back with new and existing properties.

A (soft) landscape scheme has been submitted. This includes provision of ornamental shrub and grass borders in front of properties, as well as a limited number of street trees and hedgerows. No public open space would be provided except for a small area of low maintenance grass either side of the bottom part of the proposed public footpath up the slope.

The majority of the proposed housing has 2 parking spaces in accordance with the Council's maximum parking standards, either within the curtilage of the proposed dwelling or within unadopted parking bays adjacent to the street, or in a few cases a

combination of both. However, 12 houses only have 1 parking space (plots 33, 34, 58-61, 69-71 and 85-87). The proposed flats have 1 parking space per dwelling, provided within parking courtyards and unadopted parking bays adjacent to the street. However, the required amount of visitor's parking to comply with the Council's parking standards would only be provided for the three blocks of flats to the north of the site. The larger 'L' shaped block of flats would have no visitor's parking.

The plans show that the main vehicular route through the site would be adopted by the Local Highway Authority, as would the access road to the south, pedestrian footpath up the slope and parking courtyard and footpath connecting to Luscombe Road to the north. The parking courtyards to the south of the site entrance from Alfriston Road and for the 'L' shaped block of flats would be private, as would the end part of the access road to the south.

Summary Of Consultation Responses

Given the current position with this application and the recent receipt of further amended plans, the following provides a substantive summary of current consultation responses.

Torbay Design Review Panel:

Original Scheme (application drawings presented by officers)

- Notwithstanding the lack of the masterplan, a connection across the site will be desirable in creating a well connected enlarged neighbourhood with good internal permeability and this is likely to be fairly high in the masterplan 'street hierarchy'.
- The slope is a considerable challenge, but it is not clear that this is the only solution in highway terms and further investigation of alternative ways of dealing with the contours is desirable.
- Taller blocks of flats located on the higher part of the site should be of exceptional architectural quality due to their prominence, otherwise they might be better located lower down.
- A pedestrian link to the adjoining public footpath (Luscombe Road) should be provided and properties should adopt a positive posture towards the route as it passes the site.
- Several disadvantages with the road layout not least because resulting rear gardens are likely to be very difficult for residents to use in many locations. Unattractive retaining structures may be necessary. Potential overlooking and loss of privacy.
- Integration with Alfriston Road is good – orderly posture of houses and gardens opposite seem good devices, but this is lacking elsewhere, e.g. opposite the future western connection. Large building on corner presents gable to street. Poor groupings of buildings forming less than ideal spaces between them to the south.
- The large building on the 'hairpin' bend is supported, but this needs to be a bespoke piece of design due to special location.
- The planned on-street parking provision is good, especially perpendicular spaces with tree planting as it helps create a distinct place. This should be repeated elsewhere.
- The parking strategy elsewhere, particularly to the south, is weak and double banked spaces carries inherent risks for success. Lines of vehicles parked in front of front facades should be avoided.
- Cul-de-sacs should be designed as shared spaces and possibly Home Zones to promote the social use of street spaces. The change in road surface in the southern area needs to be part of a larger design ambition for the space.
- Even if the form of the main street is compromised by the slope, a more direct

pedestrian route should be included within the layout. This would help support inclusive design principles.

- The character of the existing neighbourhood is very weak and should not provide a benchmark for the new development. Hope to see architectural compositions and detailing that represents a significant improvement. There are landscape possibilities in dealing with the slopes that might make the development more distinct, e.g. 'raised pavements' are characteristic of South Devon.
- The slope on this site is a serious constraint and the proposed street layout does not fully overcome the challenge and leaves the development with some clear weaknesses.
- The quantum of development proposed (similar to what might be expected on a flat site) are bound to lead to a living environment for the residents that is less satisfactory – increased over-looking, sloping private gardens, awkward stepped accesses prevalent, etc.
- There may be alternative solutions available once the Great Parks masterplan has been completed and a clearer understanding of the role of this land within that wider framework is identified.
- Perhaps the grading of the main street could commence further west (off site) to allow it to become a straight route with secondary streets running perpendicularly along contours? Alternatively, if the Great Parks masterplan proves that this link is less significant (although we doubt it) then perhaps the site could be split into an upper portion and lower portion separately accessed by vehicles from above or below with only pedestrian and cycle routes connecting the two?
- The Panel does regret not having the opportunity to explore these and other ideas with the applicants but nevertheless hope that alternatives might still be explored, preferably in conjunction with the wider master-planning exercise.

Draft First Revision (presented by applicant)

- We are pleased to see some areas of strong improvement to the earlier scheme, but would now offer the following guidance some of which re-iterates our earlier findings where we detect little change.
- This sloping site is a considerable three-dimensional challenge; certain relationships within the site appear still untested and clearer information is required re over-looking/privacy and the utility of rear gardens.
- Encouraged the local character of the existing development is not being used as a precedent for the proposed architectural language. Needs to be a step change in the aesthetic quality of the neighbourhood, with more restricted palette of materials and greater consistency of detailing.
- A clearer idea driving the appearance needs to be developed that might give the place an identifiable and distinct character, rather than an assembly of individual housing units/types.
- Would like to see a stronger pattern of urban form developing in the layout – random changes in building line are unhelpful.
- Pleased with connection to Luscombe Road now, but this needs to be simplified to avoid conflicts between the route and private space. There needs to be a consistent building line along the northwestern edge, with the final block of flats turned to face southeast.
- The pedestrian route across the site is welcomed and this has potential with careful landscape design.
- Parking might be too dominant in the lower shared space.
- Support focal shared spaces as 'incidents', but find these amorphous – need

more careful urban design of building masses and trees to create more 'legible' places. 3D representations of these spaces should be constructed and tested. Perhaps a clearer/stronger geometry should be employed?

- Still a lack of a coherent idea to the grouping of buildings in the far south of the site – perhaps they should be better organised around a further 'place' created here?
- The architecture of the 3 storey building on the higher ground should be very strong. The appearance of this and neighbouring buildings should be tested in a landscape and visual impact assessment of the proposals, as they will be visible from further west and existing streets/houses to the east.
- The larger building commanding the inside of the corner to the northern end of the site is still not at ease with the site layout – this point was noted in our previous guidance.
- There is a general improvement in parking, but still several errant spaces in different parts of the site. Parking needs to be integrated with the streetscene and/or places created, e.g. with street trees.
- There have been some good improvements since the initial review. A more rounded exploration of the three-dimensional appearance of the neighbourhood still has the capacity to improve the scheme dramatically. We would like to see further refinement of place making that has been attempted and the formation of integrated streetscapes which have a logic and an order to them capable of combining street trees, parking, etc. with stronger urban form.
- The pedestrian route eastwards connecting with Luscombe Road should be simplified and strengthened.
- The architectural character and language has been barely presented or discussed but we have noted that the existing context sets a very low standard and must be significantly improved upon.

South West Water:

Original Scheme

No objection. Any on site drainage surface water drainage requiring connection to the existing public surface water sewer network must be designed in accordance with and meet the requirements of Sewers for Adoption to qualify as public sewers.

First Revision

Having reviewed the revised flood risk assessment the majority of the domestic surface water flows from the development are to now be directed to soakaways with the proposed highway generating the majority of surface water to be discharged to the public sewer in Alfriston Road.

This being the case South West Water will not adopt the on site surface water drainage as it will not qualify as a public sewer, or allow such a connection to the public sewer until confirmation is obtained from the Highway Authority that they will adopt the proposed highway drainage and application being made under S115 of the Water Act for its subsequent connection.

Second Revision

Comments awaited.

Engineering – Drainage:

Original Scheme

- The preliminary drainage strategy within the FRA appears satisfactory, however further detailed design works are required before the proposed surface water drainage can be approved.
- Trial holes undertaken not in location of individual property soakaways or the communal soakaway. Trial holes and infiltration tests must be carried out at the location and invert level of all the proposed soakaways. These details must be submitted with the detail design. Soakaways must be designed for critical 1 in 100 year storm event plus allowance for climate change.
- The surface water system discharging to soakaways must be designed so that no flooding to properties is predicted for critical 1 in 100 year storm event plus allowance for climate change. If flooding predicted, the developer must demonstrate how floodwater/overland flow will be dealt with.
- No design details for surface water drainage system to storage tank at point where surface water drainage will discharge to South West Water sewer. This must be designed for critical 1 in 100 year design storm event plus an allowance for climate change. If flooding predicted, the developer must demonstrate how floodwater/overland flow will be dealt with.
- Micro drainage design sheets in FRA only identify the rainfall parameters used together with the results from the range of 100 year rainfall events plus climate change. There are no details of the system data used in these designs. All this information is required.
- All the above details must be submitted before planning permission is granted.

First Revision (Draft Flood Risk Assessment V2 received 17/12/12; Flood Risk Assessment V2 received 20/12/12)

- Comments based on Draft FRA V2.
- Flood risk mitigation measures for Clennon Valley in Great Parks development were only designed for Great Parks Phase 1, with no allowance for Phase 2.
- Drainage strategy included within the FRA appears satisfactory, however the detailed design works in Section 4.4 are required before the proposed surface water drainage can be approved.
- Trial holes undertaken not in location of individual property soakaways or the communal soakaway. Trial holes and infiltration tests must be carried out at the location and invert level of all the proposed soakaways. These details must be submitted with the detail design. Soakaways must be designed for critical 1 in 100 year storm event plus allowance for climate change.
- The lowest infiltration rate identified from the three trial pits undertaken to date should be used in the sample soakaway designs, i.e. 0.087m/hr not 0.125m/hr.
- The surface water system discharging to soakaways must be designed so that no flooding to properties is predicted for critical 1 in 100 year storm event plus allowance for climate change. If flooding predicted, the developer must demonstrate how floodwater/overland flow will be dealt with.
- No design details for surface water drainage system to storage tank at point where surface water drainage will discharge to South West Water sewer. This must be designed for critical 1 in 100 year design storm event plus an allowance for climate change. If flooding predicted, the developer must demonstrate how floodwater/overland flow will be dealt with.
- The proposed box culverts for the surface water attenuation tank have a storage volume of 196.6 cubic metres, assuming there is no dry weather flow channel or benching within the box culverts. The required storage volume identified is 193.9 cubic

metres. The applicant must confirm if there is a dry weather flow channel within the box culvert and how the box culvert has been designed to remove the risk of siltation during low flows. Normally box culverts of this nature are benched and hence there would be a significant reduction in storage volume due to the benching.

- Micro drainage design sheets in FRA only identify the rainfall parameters used together with the results from the range of 100 year rainfall events plus climate change. There are no details of the system data used in these designs. All this information is required.
- As the storage volume for the Great Parks storage lagoon only caters for the phase 1 development, as part of the phase 2 development further works are required at the storage lagoon with a view to increasing the storage capacity in order to reduce the risk of flooding to properties downstream. As this work is required as a result of the proposed second phase of the Great Parks development the cost of these works together with the increased cost of the future maintenance of the storage lagoon should be secured from the developer through S106 funding.
- All the above details must be submitted before planning permission is granted.

Second Revision
Comments awaited.

Environment Agency:

Original Scheme

- Support the principle of the surface water drainage strategy proposed, but object to the current design. Confident our concerns can be overcome by an amended redesign.
- There is a history of flooding downstream of this site and further development should not add to this. Aware that a drainage strategy was developed, and measures put in place, to deal with surface water runoff from the Great parks Phase 1 development, and this took into account the Phase 2 aspect. However, this strategy was based upon old, superseded hydrology, which didn't take the effects of climate change into account. It would not therefore be unreasonable to state that it is very important that runoff from this site and other sites within Great Parks Phase 2 is managed in accordance with current guidance.
- The proposed management of surface water runoff for the development site includes much best practice, including allowance for climate change. However, we raise concern with the intent to discharge 'all events up to the 100 year return period plus 30%' at what in effect would be the existing 30 year greenfield runoff rate. This approach would not mimic greenfield performance and in particular circumstances waters would drain off the site at rates over and above existing. This would inevitably risk an increase in both surface water and fluvial flooding.
- It would appear that the provision of a hydrobrake control, which would better manage the lower return period events, in conjunction with providing more attenuation storage would resolve the issue and we advise this approach be appraised.

First Revision

- No in principle objection subject to the inclusion of a condition and contribution towards the upkeep of an existing flood risk management asset.
- The proposed strategy for the management of surface water runoff, as shown on Drawing 'Proposed Surface Water Drainage Strategy 19896-905-SK01 P4', includes infiltration and attenuation arrangements. The features shown would better mimic current

surface water runoff rates and represent an improvement over the original proposal. The use of soakaway features should very much take priority over other techniques, in particular hard attenuation features, because such offer the best way to limit inflow to the existing surface water drainage system and watercourse downstream. However, despite the provision of soakaways it is clear that a large proportion of the site would be drained downstream into the existing piped system and watercourse.

- Therefore, the following condition is required and a contribution towards the upkeep/upgrading of the existing attenuation lagoon that is situated on the Clennon Valley watercourse off Old Widdicombe Lane.

“CONDITION

No development approved by this permission shall be commenced until such time that a scheme for the management of surface water runoff has been submitted to, and approved in writing by, the Local Planning Authority. Priority should be given to the use of infiltration features, such as soakaways, given it has been proven that ground conditions are favourable.

REASON

To ensure that surface water is managed in line with best practice with a view to ensuring there is no increase in flood risk downstream of the site.”

- A financial contribution towards the maintenance and future upgrading of the existing attenuation lagoon situated on the Clennon Valley watercourse should be secured. The existing lagoon is an important strategic asset and failure to maintain it risks an increase in flood risk occurring downstream of the site, including residential properties, parts of the A380, A3022, A379 and parts of Torbay Leisure Centre. Upgrading the existing flood attenuation lagoon would help reduce flood risk downstream and the NPPF very much advocates using development opportunities to achieve such.

Second Revision
Comments awaited.

Highways & Engineering:

Original Scheme

- The small section of road immediate left, when entering the site outside plots 93 and 94 has inadequate turning facilities.
- The on street parking outside plots 5 to 8 would not be acceptable protruding into the adoptable highway.
- From the Long section drawing the bend outside plots no 12 to 20 has a vertical alignment of 1:12 which if correct is acceptable, but the drawing shows an 8m horizontal radius with an inner radius of 5.25 which is far too tight and this radius would not work.
- This bend would require widening to make it work with forward visibility required as well. The length and width of the widening would depend on the transport assessment of the road.
- Highways would not accept designated on street parking spaces on an adoptable road.
- The bend leading into the future Development is also too tight.

- The final drawings would require technical approval on layout and materials before a section 38 Agreement is entered into.

First Revision

- Top junction adjacent to Plot 41 is not acceptable as a right angle and needs to be a radius (minimum 10m, preferred 12m radius), the width of the road is not annotated but looks narrow with poor visibility. The trees cannot be placed on the junction as again this causes problems with visibility. The bus link also looks insufficient for future use in terms of width as you drive out of the site at the top.
- On street designated parking is not acceptable as previously advised.
- The forward visibility is obscured by the block of flats and the proposed hedge on block 48-55 which causes an almost blind corner.
- Echelon parking for plots 91–94 does not work as there is not enough room to be able to turn and drive out.
- Tree is obscuring visibility adjacent to Plot 1, again the radius needs to be a minimum of 10m or the preferred 12m.
- Bus tracking is very tight and on all the corners needs the whole road to make the manoeuvre leaving no room for opposing traffic, if there are any visitors parking or residents who leave the vehicles on street, the bus will have difficulty and possibly no chance of getting round the loop. For information we do not as a rule put yellow lines in residential areas. Should the bus go up through the middle, the loop would be more usable for residents assuming all the points have been addressed.
- All the information is given from plan only as there are no annotated drawings to make observations from.

Second Revision (initial comments)

- 0455-105 Tracking Drawing ... None Shown?
- Adoption Plan – Bend adjacent to parking spaces 48/49 has not been widened and should be widened. Radius adjacent to plot 68 is not sufficient should be 10m. Plot 77 has parking on the highway? We have stated many times that we will not accept designated parking on the highway. Shape of road layout adjacent to plot 57 does not look very good. None of the plans are annotated and therefore widths are not shown of footpaths and carriageways. I cannot see any provision for cyclists, which was mentioned as being important if this were to be viewed as a main street type layout.
- 0455-105. 1B – Tracking only shows one vehicle and turning looks very tight adjacent to plot 74. The road looks too narrow adjacent to plot 24 as tracking is showing an override of the kerb by the bus; the tree adjacent to plots 20 -23 look vulnerable. It would be helpful if the tracking was colour coded, i.e. green one way and red the opposite to better view the opposing lines. On street parking by visitors and residents would severely restrict movement.
- 0455-105.3B – Refuse tracking not shown?
- Torbay Council will adopt the highway drainage as long as it is only highway water and South West Water allow the connection or an alternative drainage strategy will be required.
- Whilst Alfriston Road is wide enough for two buses to pass in accordance with Manual for Streets, it should be noted that it is not designed as a major street nor is Cotehele Drive.
- The visibility for the parking access for plots 33, 34 and 35 look poor. The developer needs to look to see if he can get the appropriate X and Y distances for visibility, which I feel being so close to such a tight junction and with a building line so close to the road is almost impossible. The minimum X distance should be 2.4m; for a

distributor road Y distance should generally be 33m each side. There are other parking areas on the main route that are also vulnerable to this, which need to be checked.

Strategic Transportation (based on Transport Assessment submitted with the application and Addendum Transport Assessment submitted 14/12/12):

- Review of TA and Addendum TA set within context of Council's TA by Jacobs.
- There is currently some spare capacity at the Cotehele Drive/King's Ash Road junction. The applicant shows that the junction is reaching capacity (although not exceeding) with the introduction of 100 dwellings up until 2018 when King's Ash Road north arm saturates. Its opposite arm is close to saturation at this point in time.
- The proposal to introduce MOVA traffic signals might provide a further year's worth of capacity before going over capacity, but that cannot be modelled with any certainty at this point in time.
- The Jacobs work focused on a higher number of dwellings, therefore showing the junction to exceed capacity.
- The applicant's analysis has not taken into account future traffic growth from developing the rest of Great Parks Phase 2, which is why the traffic growth from the proposed development is shown to be accommodated within the capacity of the Cotehele Drive/King's Ash Road junction.
- Unless the new access from the northwest of the site is delivered before 2018, without improvements to maintain free flow along King's Ash Road the Cotehele Drive/King's Ash Road junction will exceed capacity in 2018; MOVA traffic signals could potentially provide another year's worth of capacity.
- With reference to the original TA and modal split, the applicant has extracted modal split estimated percentages from TEMPRO for the Paignton area, and as a result it includes a low car/van driver proportion of 49%. This is not considered to be representative because 2001 Census data for the Blatchcombe Ward is 72% car/van driver. The site is not located in the centre of Paignton, so there are fewer alternative modes of transport to the car available.

Torbay Local Access Forum:

Original Scheme
No comments.

First Revision
No comments.

Arboricultural Officer:

Original Scheme

- Comments based upon review of the following supporting documents/plans:
- Arboricultural Constraints Report D34 03 05
- Arboricultural Plan D34 03 P1
- Landscape scheme plans 5130-L-01 and 02
- Ecological impact assessment (ead) September 2012
- Study of the landscape plan indicates a tree planting programme of 23 Heavy Standard trees. The site has an area of approximately 1.81ha and therefore a greater number of trees can be accommodated to both comply with the requirements of the present Local Plan, NPPF, Torbay Green Infrastructure Delivery Plan, etc.

- Use of cellular type rooting systems should be used where verges or garden areas are not available for tree planting, and a suggestion of a staggered planting to spine roads would create an avenue type theme giving local identity. Significant sized trees should be planted to quickly soften the highly visible built environment from elevated topography to the East and South East and long range views to other aspects from the wider countryside. The entrance to the new estate could be marked visually by a pair of flanking large canopy sized trees to create a sense of arrival and local distinctiveness to the new build contrasting with the present form of Great Parks.
- A brief study of the Ecological Impact Assessment finds that it informs a need for hedgerow management. This has not been detailed as yet and its creation should be conditioned as part of any permission. Given the sensitive nature of the site adjacent to the County Wildlife Site this should be undertaken by an ecologist supported by a landscape architect.
- The tree survey has no detail of tree and hedgerow protection methodology which should be both approved and installed prior to any commencement.
- In other phases of the Great Parks development hedges have become isolated by private residencies either side of a strip of highway land. This has placed an ongoing management burden on the authority. To prevent this situation all hedge banks should be within the ownership of the associated dwelling; fence lines may be placed within the hedge line for aesthetic or privacy/security reasons, but ownership should encompass the hedge and exclude the Local Authority. Trees of merit can be subject to a TPO and the conditioned ecological management plan will protect species within.
- Recommendation: That the scheme be suitable for approval on arboricultural merit if the following points can be addressed by way of pre-commencement conditions as follows:
 1. Tree protective fencing should be installed in line with BS 5837 2012: Trees in Relation to Design, Demolition and Construction Recommendations (plan required).
 2. Detailed landscaping plan to be submitted and approved that is attentive to the wider landscape context and ecological requirements of the site.
 3. No grade changes to root protection areas to hedgerows to be retained.
 4. Detailed hedgerow management plan to be submitted.

First Revision

- Comments based upon review of the following supporting documents/plans:
- Landscape plans 5130-L-01 B and 2. Rev B
- Study of the revised layout plan and supporting documents indicates that recommendations 2 and 4 have not been addressed.
- Study of the tree planting schedule notes that 1 less tree is proposed than that within the original plan. This is contrary to officer recommendation 2 which requires greater contextual planting in terms of numbers, species and strategic positioning.
- The species selected are not of long term landscape scale benefits, and will not serve to integrate the scheme into the wider landscape.
- It is of note that a Tree Preservation Order was served in 1974 which serves to protect all trees and hedgerow trees within the local area and indicates the importance of the landscape at this time.
- It is likely that minor amendments to the highways layout may occur but in terms of overall implications this will not greatly restrict planting opportunities. I have marked the attached plans loosely indicating planting opportunities which may be forwarded to the landscape architect. It indicates options in private and shared public spaces where trees may be planted. Not all have enough space to be large trees but given the site a

mixture of higher and lower canopy sized trees is necessary to again soften the site when viewed from external view receptors.

- Where engineered surfaces exist proprietary soil rooting systems are available that allow paved surfaces above that would allow pedestrian and vehicle passage.
- Recommendation: That the reduction in the number of trees to be planted serves to prevent any integration of the scheme as it exists into the local and wider landscape. Until comments made within this and earlier emails are addressed no recommendation for approval on arboricultural merit could be made.

Second Revision
Comments awaited.

RSPB:

Original Scheme

- Have concerns relating to the adequacy of mitigation for the loss of part of the Ramshill County Wildlife Site (CWS) that supports farmland habitats and species, including ciril buntings, and also forms part of the sustenance zone/strategic flyway for greater horseshoe bats, designated features of the South Hams Special Area of Conservation, and urban biodiversity provision.
- Seek confirmation how this application relates to strategic ecological mitigation for masterplanned area, including the level and timings of financial contributions, in the form of enhancements to the Ramshill CWS, including habitat for ciril buntings.
- The extent of proposed loss of existing habitat arising from this development means mitigation via enhancement of off-site habitat (e.g. on the remainder of the CWS) is in our view necessary. However, there is scant information in the application regarding off-site mitigation provision and, in our view, an insufficient level of confidence that effective mitigation would be delivered in an appropriate location within an acceptable timescale. Financial contributions for the management and enhancement of habitats, including for ciril buntings, should be required as part of the any planning permission, and payments made before development occurs. Without such provision, the impact of the proposed development on part of the Ramshill CWS will not be adequately mitigated and there will not be any 'biodiversity gain'.
- There is inadequate on-site provision for 'green infrastructure' and therefore a need for disproportionate provision within the larger Great Parks development. Such provision should not adversely affect the biodiversity value of the CWS or the enhancements to the habitats of the CWS that are proposed via financial contributions as part of a Section 106 Agreement relating to this application. There is no information on how the potentially conflicting requirements of enhancing the habitats and wildlife interest of the CWS and providing accessible areas of greenspace for future residents will be resolved.
- Welcome provision of bat and bird boxes on trees, and wildlife friendly planting schemes, but there is no mention of maximising opportunities for birds associated with built development by incorporating nesting sites for species such as swift, house sparrow, starling, house martin and swallow within the proposed new housing. Designing in such nest sites should be a condition of any planning permission.
- Welcome recommendations for mitigation and enhancement in the Ecological Impact Assessment. These should be secured as appropriate via planning conditions or via adequate financial contributions as part of a Section 106 Agreement. This is in accordance with Local Plan Policies NC3 and NC5.
- Our recommendations are supported in the NPPF (paragraphs 9, 109 and 118).

First Revision

No further comments and our original comments are still relevant.

Second Revision

Comments awaited.

Natural England:

Original Scheme

- Support RSPB comments dated 23/10/12. In particular, how the proposals fit with the Great Parks masterplan and measures to safeguard Ramshill County Wildlife Site.
- The proposals will need to demonstrate that there is no detrimental impact upon the strategic flyway and sustenance zone associated with the South Hams SAC. Avoidance of light spillage from the proposed development will ensure that potential habitat is effectively safeguarded.
- In accordance with national legislation and the NPPF, the ecological assessment should provide clear detail on appropriate mitigation and adequate enhancement measures that deliver net gain for biodiversity. The ecological assessment should provide details relating to area of new/enhanced BAP habitat. It should include an effective mitigation strategy (based upon an up-to-date biodiversity budget that provides a breakdown by habitat of losses/gains (in hectares/metres) and considers impact at the various stages of the proposed development).
- Where on-site mitigation opportunities are restricted, off-site compensation should be considered – the Torbay biodiversity offsetting pilot might be a good mechanism for this. One of the benefits of biodiversity offsetting is that it provides a clear and transparent mechanism to evaluate biodiversity impacts and allows the applicant to successfully demonstrate that the proposals deliver sustainable development.
- Keen that green infrastructure is integrated into the proposals.
- The proposals should consider potential impact upon the landscape and visual context (Landscape Visual Impact Assessment).
- The potential mitigation strategy will only be considered sufficiently robust where delivery mechanisms are explicitly identified and secured in perpetuity through appropriate planning condition/obligation. The mitigation strategy should be proportionate to perceived impacts and must include clear site-specific prescriptions rather than vague, general or indicative possibilities. A Construction Environmental Management Plan (CEMP) and landscape and Environmental Management Plan (LEMP) are useful mechanisms towards ensuring sufficient certainty for delivery of environmental outcomes.
- Our standing advice for protected species is a material consideration.

First Revision

- The plans need to be cross referenced to supporting text to show how the matters that we raised in our previous letter (dated 7th November) have been addressed.
- Cotoneaster should not be used as part of the planning proposals.
- Locally sourced native plants should be used as part of the proposed planting scheme to maximise biodiversity value.

Second Revision

Comments awaited.

Housing Services:

Original Scheme

- Whilst we appreciate the current proposals are providing the required number of affordable units which is to be commended, Torbay Council's affordable housing policy requires that the mix of affordable housing provided should be proportionate to the mix as a whole. Currently the scheme is made up of a disproportionately higher number of 2 bedroom flats and houses and although a number of 3 bedroom houses are being provided, this number does not meet the policy requirement. The current proposals are not providing any 4 bed properties as affordable units and whilst we have a need for all types of affordable housing in Torbay, larger family homes are a strategic priority for us as there is currently a very long wait for these types of units.
- Delivering accessible units suitable for wheelchair access is also a policy requirement and a strategic priority; it is not clear from the current plans if accessible accommodation is being provided, but we would also expect to see 5% of the rented provision to be wheelchair accessible.
- The affordable housing is currently clustered in one area of the site, however we would want to see the affordable housing distributed throughout the scheme in more than one area.
- To date we have received insufficient information as to why this scheme is unable to provide the policy requirement and without this information we are unable to support this application.

First Revision

- Although it is to be commended that the revised scheme is providing 30% affordable housing and the required tenure split, the affordable provision is not proportionate to the development and without further information to justify these proposals, Housing Services would not be able to support this application.

Second Revision

Comments awaited.

Torbay Coast and Countryside Trust: No response.

Devon and Cornwall Police: No response.

Refuse Collection & Disposal: No response.

Summary Of Representations

The application has been publicised twice, once for the original scheme and once for the first set of revised plans amending the proposed development layout. Following the submission of a second set of revised plans on 25/01/13 reducing the proposed number of dwellings from 98 to 92 and minor revisions to the layout, the application is currently being publicised for a third time. Any further representations from statutory consultees or members of the public will be provided as late representations or reported verbally at Committee. On the date of Committee, the second set of revised plans will have been publicised for 11 days.

There were 27 objections to the application following the first publicity, including an objection from Paignton Heritage Society. Two more representations were received, one

raising no objection provided another vehicle access to the site could be found, which does not go through the existing road network, and another raising significant concerns with the impact of the proposal on local highways. The following material considerations were raised:

- King's Ash Road and the estate are at capacity and cannot cope with more traffic
- Alfriston Road not wide enough/suitable to accommodate an access road
- More housing is required, but the infrastructure should be put in place first with access from a new junction on King's Ash Road near Spruce Way
- There is only one access to the estate from King's Ash Road
- Impact of construction traffic on residential amenity/child safety
- Premature to proceed ahead of the masterplan in a piecemeal manner
- Any approval should be conditional on the construction of an alternative vehicular route to the north
- Housing density is very high and not in keeping with surroundings
- Few detached houses – not in keeping with existing surrounding properties
- 3 storey buildings on top of slope will cause visual impact – buildings should be no more than 2 storeys
- Steep nature of site will create problems overlooking and reduced privacy for existing houses
- Not enough parking, which is likely to lead to roads cluttered with cars
- Concerns with impact of proposals on localised flooding
- Render on elevations will not fit in with the existing estate and will deteriorate quickly if not properly maintained
- Storage areas for the large refuse bins have not been identified
- Noise and dust pollution during construction
- No plans to develop local facilities and services within the application – the area has very poor services and facilities, especially recreation and play facilities
- Impact on local wildlife
- Location of proposed substation in close proximity to existing residential property
- No public consultation has been carried out
- No foot or cycle path links in or out of development
- Still outstanding work from Phase 1
- Light pollution
- Would spoil Area of Great Landscape Value
- Pressure on local schools and medical facilities
- Potential slope instability from water entering upper levels of slope/soakaways
- Trial pits not in location of individual property soakaways or communal soakaway
- Concern over the location of the communal soakaway above and behind existing properties to the south of the site
- Impact on trees/hedgerows
- Overdevelopment – housing not needed
- Loss of potential agricultural land
- Impact on foul drainage

There were 6 further objections following the second publicity, 5 of whom had already objected and 1 changing from no objection provided another vehicle access to the site could be found to objection. The following issues were raised:

- The revised plans take no account of the major objection of local residents – impact on local highways during construction and after the development is completed

- Access to the site from the northwest must be constructed before any development begins, leaving Alfriston Road as pedestrian access only
- Does nothing to address previous objections
- No change to the access to the site
- No advances on the original scheme

Relevant Planning History

ZP/2007/0714: Residential Development (pre-application enquiry): Split Decision
30.08.2007

ZP/2012/0151: Housing development (pre-application enquiry): Refuse 20.08.2012

P/2012/0660: Screening opinion: EIA not required 04.09.2012

Key Issues/Material Considerations

The key issues are:

1. The principle of the development
2. Impact of the development on local highways, including the capacity of Cotehele Drive/King's Ash Road junction
3. Design
4. Car parking
5. Privacy and amenity
6. Impact on biodiversity/loss of part of CWS
7. Surface water drainage
8. Affordable housing

1. The principle of the development is acceptable, as the site is allocated for housing in the Local Plan as part of Great Parks Phase 2 (Policy H1). The National Planning Policy Framework (NPPF) advocates a presumption in favour of sustainable development, which for decision taking means:

- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.
- (Para 14)

Unless material considerations indicate otherwise.

Therefore, provided the design and technical matters of the application are in accordance with the policies in the Local Plan, the application should be approved. Where issues are not addressed by policies in the Local Plan, or policies are out-of-date, the application should be approved unless its impacts are significantly greater than its benefits, taking into account the policies in the NPPF, or policies in the NPPF restrict development on the site.

Until March 2013, full weight may be given to the policies in the Local Plan even if there is a limited degree of conflict with the NPPF. After this, weight should be given according

to their degree of consistency with the NPPF.

The NPPF states that its policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system (Para 6).

The sections below discuss the acceptability of the proposed development with reference to the other relevant policies in the Local Plan and the policies in the NPPF, i.e. how sustainable is the proposed development?

2. Contrary to previous evidence, it has been confirmed that the Cotehele Drive/King's Ash Road junction has enough capacity to cope with the traffic generated by the proposed development until 2018. This could be extended by about 1 year through the introduction of MOVA traffic signals at the junction, but this would have to be confirmed by carrying out further traffic modelling closer to the time. Therefore, the proposed development is acceptable in this regard, as by the time the Cotehele Drive/King's Ash Road junction goes over capacity in 2018/2019, the rest of Great Parks Phase 2 will have been built, including the access road to the site from the northwest. When access to the site from the northwest has been provided, access to the site from Alfriston Road can be closed to vehicular traffic except for buses.

As the proposed development will eventually be served via the new access to Great Parks Phase 2 further to the north along King's Ash Road and its acceptability is dependent on this, the development should contribute to funding the new access. This should be calculated on a pro rata basis according to the proposed number of dwellings on the site and the estimated number on Great Parks Phase 2 as a whole.

Should for any reason the rest of Great Parks Phase 2 not be built prior to 2018/2019 when the Cotehele Drive/King's Ash Road junction goes over capacity, the funding towards the new access should be spent instead on upgrading the existing junction to ensure that it operates within capacity. The funding should be secured as a bond in a S106 Agreement.

Whilst the above does not take into account the impact of development coming forward on the rest of Great Parks Phase 2 on the Cotehele Drive/King's Ash Road junction as a result of additional traffic flow along King's Ash Road, which might realistically be built before the access road to the site from the northwest has been completed, it allows the delivery of housing on the site now rather than waiting, which is a material consideration given the Council's lack of a 5 year land supply. In addition, the development could be seen as 'pump priming' delivery of the rest of Great Parks Phase 2.

The proposed development would not have an impact on other local highways on the estate or in the area. The acceptability of the internal configuration of highways on the site will be discussed as part of 'Design' in the next section. Should planning permission be granted, local residents' concerns regarding the impact of construction traffic on the estate roads and local amenity can be addressed through a condition for a Construction Method Statement requiring these details.

Based on the above, the proposal accords with criteria (2) and (3) of Policy T26 of the Local Plan, subject to a bond towards funding the new access to Great Parks Phase 2 or improvements to the Cotehele Drive/King's Ash Road junction secured in a S106

Agreement.

3. To date, the proposed design layout of the scheme has been revised twice. The first was in response to two Torbay Design Review Panels, one presented by officers and the other by the applicant. The main changes were to the structure of the scheme, in particular providing a pedestrian route up through the middle of the site and providing a pedestrian connection to Luscombe Road. These changes provided a significant improvement in terms of pedestrian permeability and therefore sustainability. However, planning officers felt that nothing had been done to respond to the DRP's comments in terms of place making and adding character and identity to the scheme. This was reiterated by the Arboricultural Officer who noticed that even fewer street trees were proposed than before, when too few had been proposed in the first place.

Planning officers provided further design comments to the applicant raising these issues, as well as confirming that the main street through the site needs to be designed as a 2 way bus route and the streets need to be designed according to an appropriate street hierarchy (as recognised by the DRP, the main street is likely to form a primary route through the whole of Great Parks Phase 2). In addition, a number of blank 'inactive' elevations were identified, most notably facing onto the junction at the top of the slope, as well as other details, and inadequate provision of car parking in relation to the Council's parking standards and poor relationships of some of the spaces to the proposed dwellings.

At the time of writing, the applicant has just submitted a second set of revised plans responding to some of these comments. The main changes are to the streets, so they fit in with an appropriate hierarchy, loss of 6 flats on the second storeys of three of the blocks of flats to accord with the Council's parking standards (these blocks are now 2 storeys instead of 3 storeys), provision of windows on blank elevations, and minor changes to the materials to provide more render instead of brick to create a more distinctive identity. There has also been a concerted effort to ensure that as many of the proposed dwellings as possible have 2 parking spaces to accord with the Council's parking standards.

At first glance there are still issues with the design of the scheme: There is still little attempt at place making and creating local character, the generic building typologies and lack of local distinctiveness in materials and design are still evident. The attempt to comply with the Council's parking standards has resulted in even more parking bays along streets and beside dwellings that detracts from place making principles and would lead to a car dominated environment.

There is also little room on the plan for landscape features that might enhance the quality of the streets. There is also still no provision of visitor's parking for the large 'L' shaped block of flats, which raises significant concerns with potential overspill parking on the street. 12 of the houses also still only have one parking space. This all points to the view that the applicant is seeking to provide too much development on the site to the detriment of good design and sustainability.

At least one of the blocks of flats to the north should be removed due to inadequate provision of private amenity space for the future occupants of the flats. This may provide an opportunity to improve the pedestrian route to Luscombe Road, which is through a parking courtyard and not well overlooked. The removal or reconfiguration of the 'L'

shaped block (perhaps through its replacement with a dwellinghouse) would provide scope for a more policy compliant parking provision and would allow the development room to breath.

As mentioned, the design of the main street through the site must be designed as a 2 way bus route, so that it is 'future proofed' for this when the rest of Great Parks Phase 2 is built. Highways officers have raised concerns with the geometry of the street, as the bus would override the kerb at certain points. Other highways issues have been raised (see consultation responses above), including poor visibility related to some of the parking spaces. The parking space for plot 35 adjacent to plot 35 looks particularly dangerous on this bend.

There is still no public open space on the site or provision of green infrastructure, whilst a contribution towards providing this elsewhere on Great Parks Phase 2 would be acceptable, this does not obviate the need to provide a 'place' with sufficient openness.

Based on the above, it is considered that the proposal does not accord with Policies H9, H10, H11, CF2, BE1, BE2 and T26(1) of the Local Plan or Section 7 of the NPPF. However, officers are continuing negotiations and believe that acceptable design is achievable, subject to a moderate reduction in the number of dwellings to allow an improved layout and taking place making opportunities through revisions to the general architecture, materials, revised parking layouts and streetscape enhancements through hard and soft landscaping.

4. The Council's parking standards require 2 garages/car parking spaces per dwelling within the curtilage, or 1 car parking space per dwelling plus 1 visitor's space per 2 dwellings located within reasonable walking distance of the units to be served. For flats it is 1 garage/parking space per unit plus 1 space per 2 units for visitors. Whilst these are maximum standards, the location of the development site on the edge of Paignton means that the maximum provision is required.

As stated previously, 12 of the houses (plots 33, 34, 58-61, 69-71 and 85-87) only have 1 car parking space, with no visitors parking, and the 'L' shaped block of flats (8 flats) has no visitors parking. There is a significant risk that visitors to these plots will park on the street to the detriment of highway safety and function, and the quality of the streetscene.

Therefore, the proposal does not accord with Policy T25 of the Local Plan. However, as above, officers are confident that acceptable parking provision can be achieved subject to a moderate reduction in the number of dwellings to allow an improved layout and place making opportunities.

5. The separation distances between the proposed dwellings and existing properties surrounding the site appear satisfactory in order to maintain adequate levels of privacy and amenity. This can be supplemented with vegetation screening if necessary.

The separation distances between the proposed dwellings within the central perimeter block in the north of the site is less than what would usually be expected, especially given the difference in levels. However, this cannot be improved without significant and dramatic changes to the layout that could lead to the loss of a significant number of dwellings. Therefore, as future occupiers will be aware of this when they buy/let the

property and vegetation screening could be used to provide greater levels of privacy, this is considered acceptable in the circumstances.

Therefore, in terms of privacy and amenity, the proposal accords with Policy H9 of the Local Plan.

6. Both the RSPB and Natural England have expressed concern over the lack of detail in the application of how the proposal will mitigate for the loss of part of the Ramshill County Wildlife Site, and how this mitigation will relate to mitigation for the rest of Great Parks Phase 2. Natural England has recommended using the Torbay biodiversity offsetting pilot to help calculate off-site compensation, where on-site mitigation measures are restricted. The Council's Green Infrastructure Coordinator has used this tool to calculate a contribution from the proposed development towards the proposed community park adjacent to Great Parks Phase 2 to offset the biodiversity loss on the site, including ongoing management and maintenance. This contribution should be secured in a S106 Agreement.

Therefore, the proposal accords with Policy NC3 of the Local Plan, subject to a contribution for biodiversity offsetting secured in a S106 Agreement. In addition, recommendations for biodiversity enhancements in the application should be secured by condition.

7. The Council's Engineering – Drainage department has confirmed that the proposed drainage strategy appears satisfactory, but further details are required before planning permission is granted. Following the submission of the revised Flood Risk Assessment (V2), the Environment Agency has confirmed that it would be happy with a condition to deal with these details. This has yet to be discussed and agreed with the Council's Engineering – Drainage department.

As part of the surface water runoff from the site would drain into the main sewer, both the Council's Engineering – Drainage department and the Environment Agency require a financial contribution towards works to increase the storage capacity of the Great Parks storage lagoon situated on the Clennon Valley watercourse and its maintenance. This is necessary because it currently only caters for the phase 1 development and in order to reduce the risk of flooding to properties downstream. The contribution should be calculated on a pro rata basis according to the proposed number of dwellings on the site and the estimated number on Great Parks Phase 2 as a whole. It should be secured in a S106 Agreement.

Therefore, the proposal accords with paragraphs 99-104 of the NPPF with reference to managing flood risk, subject to the submission of the details requested above before development commences on the site and a contribution towards upgrading and maintaining the Great Parks storage lagoon secured in a S106 Agreement.

8. Affordable housing

The proposal would provide 30% affordable housing in accordance with Policy H5 of the Local Plan. However, the applicant proposes a tenure split of 75% affordable rent and 25% shared ownership. As stated in the Planning Contributions and Affordable Housing SPD (LDD6), the Council usually seeks 75% social rent and 25% intermediate; however, the SPD Update 3 states that as an interim measure affordable rent will be sought as an element of development and treated as social housing for planning purposes. The

emerging preference is for 33% social rent, 33% affordable rent and 33% shared ownership/intermediate. Since this will still provide social rented accommodation to meet local needs.

The Council also seeks a proportionate mix of affordable housing to the overall development. In this case the affordable housing mix proposed is disproportionate to the mix of dwellings across the site, with a greater number of smaller 2-bed units instead of larger family housing.

Housing Services has objected to the proposed mix of affordable housing and formal comments are awaited on the proposed tenure split of 75% affordable rent and 25% shared ownership. Negotiations are ongoing and the latest position will be reported at Committee.

S106/CIL -

The following contributions are required in accordance with Policy CF6 of the Local Plan and the Planning Contributions and Affordable Housing SPD Update 3:

- Waste Management (Site Acceptability)
- Sustainable Transport (Sustainable Development)
- Stronger Communities (Sustainable Development)
- Education (Sustainable Development)
- Lifelong Learning – Libraries (Sustainable Development)
- Greenspace and Recreation (Sustainable Development)

Figures have not been calculated for the latest set of plans, which changed the number of units from 98 to 92. The applicant must also confirm which units are social rent, affordable rent and shared ownership, as this will have a bearing on the calculations.

In addition, the following further site acceptability contributions are required:

- Bond for contribution towards Great Parks Phase 2 access minus cost of MOVA traffic signals
- Biodiversity/CWS offsetting (works and maintenance)
- Upgrading and maintenance of Great Parks storage lagoon

Again, the above contributions have to be recalculated for the reduced number of dwellings in the latest set of plans.

In addition, a contribution is required towards the South Devon Link Road (SDLR) in accordance with the 'Third Party Contributions towards the South Devon Link Road' report adopted by the Council on 6 December 2012. This must be subtracted from other contributions, taking into account the recommended order of priority in the SDLR report.

A contribution is also required towards the provision of a Local Centre elsewhere on Great Parks Phase 2.

30% affordable housing is also required, as previously discussed.

The total sum of contributions for 98 dwellings was in the region of £1 million. The applicants have stated that they are able to make contributions up to £450K, whilst

including 30% affordable housing. Therefore, planning officers are continuing to negotiate with the applicant over the required contributions, taking into account the tests in paragraph 204 of the NPPF. The updated position will be reported at Committee.

It is likely that, given the Council's s106 priorities, the site acceptability matters, the SDLR contribution and the affordable housing provision will take precedence over the other sustainable development contributions in this case.

Justifications

The contribution towards waste management is justified in paragraph 2.18 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6) and will pay the cost of providing bins to the proposed dwellings. It also accords with Local Plan Policy W7.

The contribution towards sustainable transport is justified in paragraphs 4.12-4.24 of LDD6 and will be used towards the enhancement of local bus/cycle infrastructure. The NPPF and Local Plan Policy T2 promote sustainable transport modes. The proposed dwellings would generate additional trips and should therefore contribute toward sustainable transport in the area.

The contribution towards stronger communities is justified in paragraphs 4.31-4.35 of LDD6 and will be used towards the provision of a street warden in the area.

The contribution towards education is justified in paragraphs 4.40-4.46 of LDD6 and will be used towards funding Children's Services Capital Programme, which includes projects at Roselands Primary School and White Rock Primary School in Paignton. The proposed development includes family dwellings where children might reasonably be expected to go to these schools; therefore, the development should contribute towards education. It also accords with Local Plan Policy CF7.

The contribution towards lifelong learning is justified in paragraphs 4.47-4.51 of LDD6 and will be used towards the cost of improving provision at Paignton Library, including Wi-Fi. The proposed dwellings would place additional demand on the services provided by Paignton Library and the contribution will ensure these services are provided with funding to mitigate the proposed development.

The contribution towards greenspace and recreation is justified in paragraphs 4.52-4.58 of LDD6. No public open space will be provided on-site; therefore a contribution is required towards provision of off-site public open space elsewhere on Great Parks Phase 2.

The bond for a contribution towards Great Parks Phase 2 access, minus the cost of MOVA traffic signals, is justified because the proposed development will eventually be served via the new access to Great Parks Phase 2 further to the north along King's Ash Road and its acceptability is dependent on this.

The contribution required to offset biodiversity impact on the site and loss of part of the County Wildlife Site is justified because biodiversity mitigation will not be provided on-site. Further justification is provided in the consultation responses from the RSPB and

Natural England. This approach is given weight in Section 11 of the NPPF.

The contribution towards upgrading and maintaining the Great Parks storage lagoon on the Clennon Valley watercourse is justified because surface water from the development site will drain into the main sewer, which will place additional burden on this infrastructure and increase the risk of flooding to downstream properties. The storage lagoon and other attenuation measures were only constructed to accommodate the downstream discharge from Great Parks Phase 1, not Great Parks Phase 2 also.

The contribution towards the SDLR is justified in Appendix 1 of the 'Third Party Contributions towards the South Devon Link Road' report adopted by the Council on 6 December 2012 and is based on an assessment of the impact that the development would have on the road.

The contribution towards the Local Centre is justified, as the development site forms part of Great Parks Phase 2, which must include a Local Centre in order to deliver a sustainable community. The land required for the Local Centre will have less value than land for residential development and this cost should be borne equally by all the land owners of Great Parks Phase 2.

30% affordable housing is justified in Section 3.0 of LDD6. It also accords with Local Plan Policy H5.

Conclusions

Whilst the principle of the development is acceptable and the main constraint in developing the site, namely the capacity of the Cotehele Drive/King's Ash Road junction, can now be overcome through a bond in the S106 Agreement, there are still some issues with the design of the scheme that need to be resolved before planning permission can be granted.

In particular these relate to the integration of the required amount of car parking in the scheme and the provision of place making principles that are currently lacking, as well as a safe and functional highway layout incorporating a two way bus route. The scheme needs to be amended accordingly, which may result in the loss of further dwellings. It is considered that the applicant is trying to squeeze too much development on the site at present leading to the problems identified and a much better development is achievable if the number of dwellings was reduced. This does not necessarily mean that a significant number of dwellings need to be lost though.

In addition, negotiations are still ongoing concerning the contributions required to make the development acceptable in planning terms and deliver sustainable development. Contributions need to be recalculated for the reduced number of dwellings as a result of the latest set of plans and would need to be recalculated again should the number of dwelling reduce further. In addition, negotiations are still ongoing concerning the proposed mix and tenure of the affordable housing.

In light of the above, the recommendation is that the principle of the development should be approved, subject to officers finalising the design and number of dwellings accordingly and agreeing the contributions required and mix and tenure of affordable housing to be secured in a S106 Agreement.

Relevant Policies

HS - Housing Strategy
H1 - New housing on identified sites
H5 - Affordable housing on indentified sites
H9 - Layout, and design and community aspects
H10 - Housing densities
H11 - Open space requirements for new housing
CFS - Sustainable communities strategy
CF2 - Crime prevention
CF6 - Community infrastructure contributions
CF7 - Educational contributions
CF14 - Health Centre, Great Parks
INS - Infrastructure strategy
IN1 - Water, drainage and sewerage infrastruct
LS - Landscape strategy
L2 - Areas of Great Landscape Value
L8 - Protection of hedgerows, woodlands and o
L9 - Planting and retention of trees
L10 - Major development and landscaping
NCS - Nature conservation strategy
NC1 - Protected sites - internationally import
NC3 - Protected sites - locally important site
NC5 - Protected species
EPS - Environmental protection strategy
EP1 - Energy efficient design
EP3 - Control of pollution
EP5 - Light pollution
EP10 - Water supply
BES - Built environment strategy
BE1 - Design of new development
BE2 - Landscaping and design
BE9 - Archaeological assessment of development
TS - Land use transportation strategy
T1 - Development accessibility
T2 - Transport hierarchy
T25 - Car parking in new development
T26 - Access from development on to the highwa
T27 - Servicing

Agenda Item 9

Application Number

P/2013/0259

Site Address

Birds Haven
Avenue Road
Torquay
Devon
TQ2 5LS

Case Officer

Mr Alexis Moran

Ward

Cockington With Chelston

Description

Formation of new dwelling on land adjacent to No. 1 Birdshaven

Executive Summary/Key Outcomes

The application seeks permission for the addition of a single storey dwelling adjacent to 1 Birds Haven. The site is within the Urban Landscape Protection Area (ULPA) and within an area designated as a wildlife corridor. There are also a number of protected trees in the area.

The Arboricultural Officer is happy that the proposal will not have a significant impact on the trees and therefore on the ULPA. The proposal largely overcomes the reasons for refusal resulting from the previous decision on the site (P/2012/0017). The proposed dwelling will not be highly visible in the surrounding area and will not affect the open character of the ULPA.

The site is on the edge of the wildlife corridor and is an open area which is currently maintained by the applicant. As the existing trees will not be detrimentally affected by the dwelling it is considered that the wildlife corridor will not be substantially affected.

Due to the size and siting of the proposed dwelling, which is single storey with a pitched sedum roof, it is not considered that it would be highly visible from the wider area or have a significant impact on the privacy and amenity of neighbouring properties.

Bearing these points in mind it is considered that the proposal complies with policy L5 of the saved adopted Torbay Local Plan 1995-2011 and is acceptable for the granting of a conditional approval.

Recommendation

Site Visit; Conditional Approval; subject to the receipt of upfront payment or the signing of a s106 legal agreement within 3 months of the date of this decision or the application be refused for reason of the lack of a s106 obligation.

Site Details

The site is adjacent to 1 Birds Haven, which forms part of a group of 12 flats which are set out as a courtyard within the grounds of Rowcroft Hospice. This is located off a private road accessed from Avenue Road. The site is within the Urban Landscape Protection Area (ULPA) and a Wildlife Corridor.

Detailed Proposals

The application seeks permission for the addition of a single dwelling within a site adjacent to 1 Birds Haven.

The proposed dwelling is to be single storey with the majority of the building being timber clad with pitched sedum roofs, so as to limit its impact in the location in which it is to be sited.

The site is to be accessed off of the existing private driveway rather than the car park so as to not increase the number of vehicle movements to and from the car park.

Summary Of Consultation Responses

Arboricultural Officer: has confirmed that the scheme is suitable for approval on arboricultural merit, provided that a pre-commencement condition is added.

Highways Officer: have no objections to this application as the road is private and un-adopted.

Strategic Transportation: request that the SPD is applied to provide a contribution towards improvement of the walking and cycling routes surrounding the site, which need to be improved to facilitate good, safe sustainable access to this site from the town centre and harbour.

The site is close to proposed local and national cycle routes linking the outskirts of the town via the hospital and Torre to the town centre and beach front.

Summary Of Representations

One letter of representation has been received in relation to the application. This related to the impact on wildlife and trees on the site.

A letter of support was received from the applicant.

Relevant Planning History

P/2012/0017 - Formation of 1 dwelling on land adjacent to 1 Birdshaven, Torquay - Refused by DMC 07.06.2012

P/2010/1388 - Scotts Meadow - Residential development to construct up to 155 dwellings with associated vehicular and pedestrian access, landscaping and public open space (In Outline); Refused by DMC 17.10.2011 - Appeal Granted - Development within the ULPA

P/2008/1350OA - Formation of 3 detached dwellings with access road (in outline) Land Adjacent The Stoep, Dartmouth Road, Paignton - Approved by DMC 28.11.2008 - Development within the ULPA

P/2001/0246 - Erection Of Single Dwelling Unit - Birds Haven - refused and subsequent appeal rejected 21.02.2001

P/2000/0924 - Erection Of Single Dwelling Unit - Land Adj 1-4 Birds Haven Land Adj - refused 22.06.2000

Key Issues/Material Considerations

The key issues to consider in relation to this application are the impact it would have on the character and appearance of the ULPA and the amenity and privacy enjoyed by the occupiers of neighbouring properties.

The main consideration is the impact it would have on the character and appearance of the ULPA. In the application which was refused at appeal (P/2001/0246) the Inspector's main issue with the proposal was the impact it would have on the protected trees and the associated affect on the ULPA. The Arboricultural Officer has confirmed that the submitted scheme is acceptable and the proposed Arboriculatural Impact Assessment, Outline Method Statement and Tree Protection Plan overcome the Inspectors previous reasons for refusal.

The most recent application (P/2012/0017) was refused due to its size, design and impact on the ULPA. This revised application provides a smaller and less dominant design than previously refused, with the use of pitched sedum roofs reducing it visual impact.

The proposal has been specifically redesigned (with pitched sedum roofs, a reduction in footprint, changes to siting and orientation), to have a very limited impact on the ULPA and would not be highly visible in the wider streetscene. The development will therefore maintain the open element of the area and the quality it provides to the urban environment.

The proposed dwelling is not considered to have a significant impact on the privacy and amenity currently enjoyed by the occupiers of neighbouring properties due to its size and orientation.

Having given consideration to the above points and the most recent refusal of planning permission on this site, the proposal now complies with the relevant saved adopted Torbay Local Plan (1995-2011) policies and in particular policy L5, which relates to development in ULPA's. It is therefore deemed acceptable for conditional planning approval.

S106/CIL -

The application has been assessed against the Council's policy in respect of planning contributions. A contribution will be required in this case, calculated as follows:

Contribution for dwelling:

Waste Management	£50.00
Sustainable Transport	£2,710.00
Lifelong Learning	£410.00
Greenspace and Recreation	£2,370.00
South Devon Link Road	£975.00
TOTAL FOR DEVELOPMENT	£5,540.00
5% Admin Charge	£5,817.00
Upfront Payment -5%	£5,526.15

Conclusions

The proposed dwelling is considered to be appropriate for conditional planning approval, having regard to all national and local planning policies and all other relevant material considerations particularly policy L5 of the saved adopted Torbay Local Plan 1995-2011.

Condition(s)/Reason(s)

01. Landscaping and tree protection conditions
02. The building shall not be occupied until the vehicular access has been constructed in accordance with the plans hereby approved.
Reason: In the interests of highway safety and in accordance with policy T25 of the saved adopted Torbay Local Plan 1995-2011
03. Prior to the occupation of the dwelling hereby approved, suitable bin and cycle storage facilities shall be provided in accordance with details that shall have previously been submitted to and agreed in writing by the Local Planning Authority.
Reason: In the interests of the amenity of the area and in order to comply with policies BES & BE1 of the saved adopted Torbay Local Plan 1995-2011.

Relevant Policies

BES - Built environment strategy
BE1 - Design of new development
L5 - Urban Landscape Protection Area
H9 - Layout, and design and community aspects
NC4 - Wildlife Corridors

Agenda Item 10

Application Number

P/2013/0470

Site Address

3 - 10 Palm Court Hotel
Torbay Road
Torquay
Devon
TQ2 5HD

Case Officer

Mrs Ruth Robinson

Ward

Tormohun

Description

Amendments to previously approved scheme P/2011/1080/MPA to include :
Addition of residential & self-catering entrance to level 0 east core, Omission of 1 bedroom self-catering apartment and increase in size of 1st floor commercial unit, Reduction in construction to north west corner, additional floor make up to levels 01, 02 03 04 & 05 and Revision of northern & north west fenestration

Executive Summary/Key Outcomes

The changes to the approved scheme are relatively minor and involve modifications to the design of the building, a minor increase in finished floor levels, a cut back of construction adjacent to the footsteps through Old Maids Perch and an increase in the size of the commercial unit at first floor level by including space originally designated as a small one bed self catering unit.

The modifications to the design of the building are largely acceptable and follow the original design brief for the site. The alterations to the north and western elevation however, involved the introduction of an 'expressed' service core and changes to the fenestration as it wrapped around the western end of the building. This produced a less elegant appearance to these two prominent parts of the building. Discussions have been held with the applicant and revised plans are awaited.

The increase in height of the building is at most 0.5m and whilst just outside normal building tolerance this is not considered to be significant in terms of the finished building and its relationship to neighbours and context.

Landscape details are required for the space within the former Old Maids Perch garden, which is now no longer required to be included within the building envelope.

The loss of the one bed self catering holiday unit in order to provide a larger A3 unit at first floor level is considered acceptable, as a high end user is apparently poised to sign a lease if the larger unit can be secured. In addition, the holiday character will be retained by the provision of an A3 (restaurant) use at this point to provide activity and vitality between Shedden Hill Road and Torbay Road.

Recommendation

Approve, subject to the receipt of revised plans which satisfactorily resolve the appearance of the north and western elevations, and subject to landscape details

showing how the excluded part of Old Maids Perch is to be treated. As this is an amendment to the approved scheme, the S106 and conditions pursuant to the parent permission will also need to relate to this application, but will remain unchanged from the previous consent (P/2011/1080).

Statutory Determination Period

The application should be determined within 8 weeks which is the 30.06.13

Site Details

The former Palm Court Hotel sits at the base of Shedden Hill close to the junction of Shedden Hill Road and Torbay Road. Planning permission was granted for redevelopment of the site in 2012 to deliver a mixed commercial/residential scheme. This is currently being developed on site.

Detailed Proposals

This is a detailed application for amendments to the approved scheme comprising:

- A) Changes to north and northwest elevation
- B) Cut back in construction to northwest corner of the site
- C) New residential and self catering entrance to level 0, East core
- D) Increase in floor levels
- E) Increase in size of commercial unit at first floor level by incorporating (and therefore removing) one bed holiday flat.

Summary Of Consultation Responses

TDA: Concerned that design changes were a retrograde step

Summary Of Representations

None received at the time of writing

Relevant Planning History

P/2011/1080: Redevelopment to provide commercial floor space (Class A3) at ground and part first floor level, 14 self catering holiday accommodation part first and second floor and 14 private residential on third fourth and fifth floor. Approved: 9.05.12.

Key Issues/Material Considerations

The changes to the approved scheme are relatively minor and involve modifications to the design of the building, a minor increase in finished floor levels, a cut back of construction adjacent to the footsteps through Old Maids Perch and an increase in the size of the commercial unit at first floor level by including space originally designated as a small one bed self catering unit.

The modifications to the design of the building are largely acceptable and follow the original design brief for the site. The alterations to the north and western elevation

however, involved the introduction of an 'expressed' service core and changes to the fenestration as it wrapped around the western end of the building.

The expressed service core introduced a vertical emphasis to the northern elevation which was at odds with the more sweeping linear character of the original approval on the site and importantly, the open character created by the balconies sweeping around the western end of the building was reduced by incorporating balcony space into the internal living area. This created a heavier more enclosed character to the elevation on this prominent part of the building.

Discussions have been held with the applicant and revised plans are awaited to seek to resolve this design concern.

The increase in height of the building is at most 0.5 of a metre and whilst just outside normal building tolerance, it is not considered to be significant in terms of the finished building and its relationship to neighbours and context.

Landscape details are required for the space within the former Old Maids Perch garden, which is now no longer required to be included within the building envelope.

The loss of the one bed self catering unit in order to provide a larger A3 unit at first floor level is considered acceptable, as a high end user is apparently poised to sign a lease if the larger unit can be secured. Even notwithstanding the potential tenant, which is not a substantive planning consideration, the expansion of the A3 use will compliment the holiday character of the area and extend vitality into this part of the site (adjacent to Old Maids Perch).

S106/CIL -

This will remain as before.

Conclusions

The changes to the scheme are minor and are acceptable subject to revised plans in relation to the north and western elevations, and landscape details to show how the now excluded part of Old Maids Perch is to be treated.

Relevant Policies

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Application Number

P/2013/0395

Site Address

44 Mead Road
Torquay
Devon
TQ2 6TF

Case Officer

Mr Scott Jones

Ward

Cockington With Chelston

Description

Alterations and extensions at ground and first floor and construction of timber deck at rear

Executive Summary/Key Outcomes

The site is that of a detached dormer bungalow set within a residential street, which includes a mix of one and two storey properties of varying scale and character.

The scheme seeks alterations and extensions to revise the habitable space within the dwelling. This is achieved through raising the eaves height to circa 1.5-storeys along with some more minor remodelling.

The proposal is considered to maintain a domestic character and results in a building that sits comfortably with the general scale of properties within the locality. There appears no discernible impact upon neighbour amenity.

The application is coming forward for committee consideration since it has been submitted by one of the Council's Senior Planning Officers.

Recommendation

Approval

Statutory Determination Period

The 8 week determination date expires on 12 June.

Site Details

Detached dormer bungalow set within a residential street that currently includes a mix of one and two storey properties of varying scale and character. Parking is provided to the front and there is an attached garage to the side. The key amenity space for the property is set to the rear.

Detailed Proposals

Alterations and extensions to revise the habitable space within the dwelling, achieved through raising the eaves height to circa 1.5-storeys, enlarging the garage and utility space to the side, creating a false pitch at the front and pitching the rear section in a gable finish, introducing windows and partial dormers to front and rear and remodelling the central flat roofed protrusion to a pitched form with a differing fenestration pattern. The proposal also remodels the front boundary, widening the opening and offering a 1.4 metre high brick wall set behind hedging.

Summary Of Consultation Responses

None.

Summary Of Representations

None.

Relevant Planning History

None.

Key Issues/Material Considerations

Key issues are considered to be the visual impact on the streetscene and any impact on neighbouring living conditions.

Visual impact -

The area has a mixed building form with no overriding architectural style. There is, however, a loosely established scale for the properties and a relatively regular ridgeline. Considering the mixed form of the area, the changes proposed to form a 1.5-storey property, sit comfortably within the surroundings. The scheme also respects the established roofline, by maintaining the existing ridge height.

In addition, the extent of side development is limited and therefore predominantly retains the gap between the application site and the adjacent dwellings. The elevation changes are not sensitive and maintain a domestic character to the building. The amended border treatment is limited and the alterations are considered acceptable.

Amenity issues -

The building lines are largely maintained and the increase in scale is not to an extent that would notably alter the relationship between plots in terms of light received or the outlook enjoyed. The scheme does not introduce windows in sensitive areas and hence levels of privacy will be maintained to acceptable levels.

S106/CIL -
N/A

Conclusions

The application will result in the acceptable remodelling of a dwelling that does not harm the character or appearance of the area or impact neighbour amenity, as such it is recommended for planning approval.

Relevant Policies

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