



Friday, 29 August 2014

## **DEVELOPMENT MANAGEMENT COMMITTEE**

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

**Monday, 8 September 2014**

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 (Chairwoman)

Councillor Morey (Vice-Chair)

Councillor Addis

Councillor Baldrey

Councillor Brooksbank

Councillor Kingscote

Councillor Pentney

Councillor Stockman

Councillor Tyerman

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**Working for a healthy, prosperous and happy Bay**

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

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**01803 207087**

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# DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**  
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 1 - 4)  
To confirm as a correct record the Minutes of the meeting of this Committee held on 11 August 2014.
3. **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.)
4. **Urgent Items**  
To consider any other items that the Chairman decides are urgent.
5. **5 Windmill Avenue, Paignton** (Pages 5 - 8)  
Demolish garage and build single storey extension.
6. **Cockington Primary School, Old Mill Road, Torquay** (Pages 9 - 16)  
Removal of existing earth bank to create new nursery playground extension -Scheme Option A.
7. **Cockington Primary School, Old Mill Road, Torquay** (Pages 17 - 24)  
Removal of existing earth bank to create new nursery playground extension - Scheme Option B.

**8. Land Adjacent No. 7 (playground) Glebeland Way, Torquay**

(Pages 25 - 32)

Construction of one split level 4-bedroom detached house with associated parking.

**9. 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](mailto:governance.support@torbay.gov.uk) before 11 am on the day of the meeting.

**10. Site visits**

If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 3 September 2014. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

**Note**

An audio recording of this meeting will normally be available at [www.torbay.gov.uk](http://www.torbay.gov.uk) within 48 hours.



## Minutes of the Development Management Committee

11 August 2014

-: Present :-

Councillor McPhail (Chairwoman)

Councillors Morey (Vice-Chair), Addis, Baldrey, Brooksbank, Ellery, Kingscote, Pentney and Tyerman

(Also in attendance: Councillor Davies and Brixham Town Councillor Lomas)

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### 22. Minutes

The Minutes of the meeting of the Development Management Committee held on 14 July 2014 were confirmed as a correct record and signed by the Chairwoman.

### 23. Urgent Items

The Committee considered the items in Minute 24, 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.

### 24. P/2014/0237/OA Meldon, Dartmouth Road, Brixham

Members were advised that on 12 May 2014 an application for 2 x 3 bedroom 2 storey bungalows were approved subject to the completion of a Section 106 Legal Agreement within 3 months of the date of the Committee.

Unfortunately delays signing the Section 106 Legal Agreement had resulted in a request for an extension of time.

#### Resolved:

That the request for the extension of time be granted, that the Section 106 Legal Agreement be signed no later than 6 October 2014.

### 25. P/2014/0311/PA St Margaret Clitherow RC Primary School, Polhearne Way, Brixham

The Committee considered an application for the construction of a new teaching block.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At

the meeting Mr Chivers addressed the Committee against the application and Brixham Town Councillor Lomas also addressed the Committee.

Resolved:

That the application be deferred

- i) for further negotiations regarding design and precise location of the proposed extension; and
- ii) for receipt and evaluation of a travel plan.

(Note 1: prior to minute 25 Councillor Ellery declared a non-pecuniary interest as his grandchildren attend the school.)

**26. P/2009/1114/MPA 28 New Street, Paignton**

The Committee considered an application for proposed alterations and rebuilding of buildings facing onto the rear lane behind numbers 28 to 36 to form 10 dwellings.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to Members.

Resolved:

That the application be refused for the reasons set out in the submitted report.

**27. P/2014/0450/R4 Wildlife Adventure Playground, Off Smallcombe Road, Foxhole, Paignton**

The Committee considered an application for a change of use from school land to community playground (to form extension to the existing facility reference P/2011/0824).

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Tara Acton, Barry Cole and Sam Stent addressed the Committee in support of the application.

Resolved:

Approved with the conditions set out in the submitted report.

(Note 2: During consideration of Minute 27 Councillor Morey declared a non-pecuniary interest as his family are members of Play Torbay.)

**28. P/2014/0571/VC Victoria Park, Torquay Road, Paignton**

The Committee considered an application for the retention and change of use of the existing youth service building with a childcare facility (Class D1) (Variation of condition 1 of original planning permission P/2012/0183).

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members.

Resolved:

Subject to condition 2 (set out in the submitted report) being amended to read:

'Within 1 month of the date of this submission...'; and

an additional condition regarding the structure being painted to be more in keeping with the area, approved with the conditions set out in the submitted report.

**29. P/2014/0224/PA Banjo Area, Princess Gardens, Torquay**

The Committee considered an application for the erection of a temporary wooden construction for catering and deckchair storage.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members.

Resolved:

That the application be refused for the following reasons:

- i) the impact on the historic park and gardens;
- ii) the impact on the adjacent listed building; and
- iii) the unfavourable precedent the application sets.

That enforcement action be taken as a result of the application being refused.

**30. P/2014/0504/PA Highways Land On Lower Warberry Road, Torquay**

The Committee considered an application for the erection of a 15m column with additional cabinets and ancillary development.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members.

Resolved:

That the application be refused for the following reasons:

- i) the negative impact on the residential amenity of residents in the adjacent block of flats; and
- ii) the impact on the character and appearance of the conservation area.

**31. P/2014/0505/PA Highways Land On Grafton Road, Torquay**

The Committee considered an application for erection of a 15m T range column with dual stack antennae in shroud, additional cabinets, two dishes and ancillary development.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members.

Resolved:

Approved with the condition set out in the submitted report.

**32. P/2014/0511/PA Mount Stuart Hospital, St Vincents Road, Torquay**

The Committee considered an application for a single storey extension to provide a third operating theatre, installation of portacabin for admin use and associated plant – staff rest room in existing roof space.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members.

Resolved:

Approved, with the condition set out in the report and further conditions delegated to the Director of Place.

**33. P/2014/0608/R3 Land At Rainbow Drive/Queens Wood, Shiphay Lane, Torquay**

The Committee considered an application for the construction of a new 2.5m wide shared use tarmac cycleway from Shiphay Lane to Crownhill Rise.

Prior to the meeting written representations were circulated to members.

Resolved:

Subject to an additional condition requiring the completion of summer and autumn bat surveys prior to commencement of development and securing recommendations in the survey reports. Approved with the conditions set out in the submitted report.

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Chairman/woman

# Agenda Item 5

**Application Number**

P/2014/0623

**Site Address**

5 Windmill Avenue  
Paignton  
Devon  
TQ3 1BS

**Case Officer**

Mr Alexis Moran

**Ward**

Preston

**Description**

Demolish of garage and addition single storey side extension

**Executive Summary/Key Outcomes**

The site, 5 Windmill Avenue, is a detached residential property located within a cul-de-sac off of Albany Road, Paignton.

The application seeks permission for the demolition of the existing garage to the side of the property and the addition of a single storey pitched roof side extension. There is no internal connection between the extension and the main dwelling due to a change in floor levels. However, the extension is to be ancillary accommodation and not a separate unit of residential or commercial use.

The extension is acceptable in the streetscene and in relation to residential amenity. Adequate parking will be provided in place of the garage.

Bearing these points in mind it is considered that the proposal complies with policies BES, BE1, H4 & H15 of the saved adopted Torbay Local Plan 1995-2011.

**Recommendation**

Conditional Approval

**Target Date**

The 8 week target date for determination of this application is 19.08.2014. The application has gone over time due to the SRM protocol and an extension of time will be sought from the applicant.

**Site Details**

The site, 5 Windmill Avenue, is a detached residential property located within a cul-de-sac off of Albany Road, Paignton.

### **Detailed Proposals**

The application seeks permission for the demolition of the existing garage and its replacement with a single storey pitched roof side extension. Due to the difference in ground levels the extension is accessed from the front and does not contain an interconnecting door to the main dwelling.

### **Summary Of Consultation Responses**

None

### **Summary Of Representations**

One letter of objection was received as well as a petition with 9 signatures. The following issues were raised in the objections;

- The library is so interconnected to the main dwelling so may be for commercial use
- If the library is to be commercial then there will be a detrimental impact on parking and access in the cul-de-sac
- The pitched roof would cause a loss of a view and would be an eyesore

As a result of these objections a Site Review Meeting, in accordance with the Council's protocol, took place on 07.08.2014. Members agreed that the application should go before the Development Management Committee.

### **Relevant Planning History**

P/2006/1068 - Extension over Garage; 5 Windmill Avenue, Paignton; Approved by delegated powers - 06.09.2006.

### **Key Issues/Material Considerations**

The key issues to consider in relation to this application are, firstly, the impact it would have on the character and appearance of the streetscene and, secondly, the amenity and privacy enjoyed by the occupiers of neighbouring properties. There is also an ancillary issue relating to parking.

#### Impact on the streetscene

The proposed extension is considered to be an acceptable addition to the original property. It is located in the position of the existing garage and would not appear as a highly visible addition to the streetscene. The proposal has been designed so as to match the roof pitch of the original property. The proposed extension is also subservient to the ridgeline of the original property. It is worth noting that

the proposed extension is smaller than the extension previously approved (P/2006/1068)

#### Impact on surrounding residential amenity

The proposal is deemed to have an acceptable impact on the residential amenity of neighbouring properties given its size, siting and design. The extension does not give rise to an increase in overlooking of neighbouring properties, the design is not overdominant and, consequently, there is no material increase in the level of over-shadowing / loss of light. Indeed, the extension has been sensitively designed to reflect the scale and dimensions of the existing house.

One issue raised in the representation was the loss of a view caused by the pitched roof. This is not, as Members know, a material planning consideration. In any case, the proposed extension retains more of a view than the previously approved application for an extension over the garage (P/2006/1068).

The objections raised relate to the potential use of the extension as a commercial library. The case officer has spoken with the agent to determine the reason for there being no internal interconnection to the main dwelling. It has been confirmed that this is due to the difference in levels. It was also confirmed that the proposed use of the extension is to be ancillary the use of the main dwelling and not used or sold off separately. A condition is recommended to ensure that the extension remains ancillary to the main dwelling.

#### Highways

At least two parking spaces are available to the front of the property despite the loss of the garage. There are no on-street parking restrictions currently in place in the cul-de-sac.

#### **Conclusions**

The proposed building is considered to be appropriate for conditional planning approval, having regard to all national and local planning policies and all other relevant material considerations.

#### **Condition(s)/Reason(s)**

01. The use of the extension hereby approved shall be ancillary to the use of the existing dwelling and the property shall not be sub-divided into separate units of residential or holiday accommodation.

Reason: The approved extension is not designed for multiple or separate occupation and any such use could result in a loss of residential amenity and a

negative impact on highway safety. A proposal to sub-divide it would be a separate matter to be considered on its merits in accordance with the objectives and saved Policies in the Adopted Torbay Local Plan 1995-2011 or any Local Plan that supersedes the Adopted Local Plan.

**Relevant Policies**

BES - Built environment strategy

BE1 - Design of new development

H15 - House extensions

H4 - Conversion and sub-division into flats

# Agenda Item 6

**Application Number**

P/2014/0674

**Site Address**

Cockington Primary School  
Old Mill Road  
Torquay  
Devon  
TQ2 6AP

**Case Officer**

Matt Diamond

**Ward**

Cockington With Chelston

**Description**

Removal of existing earth bank to create new nursery playground extension - Scheme Option A

**Executive Summary/Key Outcomes**

The application is to extend the school playground at Cockington Primary School by removing part of a grass embankment, including a number of small trees. It is the smaller of two options to extend the playground at the school (Option A) and is the second preferred option of the School due to its smaller size. The application has been submitted to cater for the larger intake of children into Reception Year at the School from September 2014. Both applications relate to land immediately to the rear/south of Cockington Primary School, not on Torre Valley North Playing Field.

The proposals are acceptable in principle and are supported by policies in the Adopted Torbay Local Plan 1995-2011 ('the Local Plan') and NPPF. The land does not form part of a playing pitch and is incapable of forming part of one, therefore it does not need to be protected in this regard and Sport England does not object to its loss. Whilst the loss of the trees would have a limited visual impact on the character of the area, this would be mitigated by replacement tree planting and the retention of surrounding trees.

No details have been provided of the proposed drainage strategy and there are known flooding issues within the area. A pre-commencement condition has been agreed with the Council's Engineering - Drainage department accordingly and this has taken into consideration the interests of Network Rail. Comments are still awaited from Network Rail and these will be reported as a late representation with a verbal update given at committee accordingly.

**Recommendation**

Conditional approval

### **Statutory Determination Period**

The application was validated on 16.07.2014. The 8 week determination date is 11.09.2014.

### **Site Details**

The site comprises two relatively small parcels of land within the curtilage of Cockington Primary School, Old Mill Road, Torquay. The total site area is 130 sq m. The parcels of land are sited south of the children's centre.

The smaller parcel of land to the west is currently a set of steps and adjacent footpath. The larger parcel to the east is currently part of a grass embankment with a number of small trees.

There are playgrounds to the north and south, whilst the embankment continues east and west with more trees and vegetation. At its closest point, the site is 9 metres from the boundary with the railway line.

The site is undesignated in the Local Plan, but the railway embankment is designated a Local Wildlife Site (LWS). The site is designated as part of an Urban Landscape Protection Area (ULPA) in the Torbay Local Plan: A landscape for success - Proposed Submission Plan ('the new Local Plan'), which has been submitted to the Government for examination, and is in close proximity to a flood risk area to the south.

### **Detailed Proposals**

The proposals are to remove part of the grass embankment, including one tree on the site and one tree adjacent, and regrade and resurface the land in tarmac to create an extension to the existing school playground. The playground would be approximately 0.5 metres higher than the existing playground to the south, therefore a concrete retaining wall with brick facing to match existing would be provided with green powder coated railings on top. The existing steps to the west would be upgraded to concrete and the adjacent footpath resurfaced in tarmac. A new 1.2 metre green powder coated gate would be provided to control access to the existing playground to the south.

This application (Option A) is accompanied by a second application (Option B) and is the second preferred choice of the school. It is for a smaller playground than Option B.

## **Summary Of Consultation Responses**

Sport England: No objections - the land is incapable of forming part of a playing pitch.

(Sport England has also commented on the application to create the existing playground to the south (ref. P/2012/0723), but this has no relevance to this application.)

Arboricultural Officer: No tree survey submitted. Rooting zones of various trees would be affected by both options. Scheme suitable for approval, subject to submission of tree survey prior to commencement. This is required to identify quality of existing trees and define root zones to inform mitigation tree planting and safety implications.

It is considered that the above requirements can be secured via pre-commencement conditions should the application be approved.

Environment Agency: No objections.

Engineering - Drainage: No additional surface water drainage allowed to the Torre Valley Watercourse, due to major flooding issues. A sustainable drainage option should be investigated first. No details provided of proposed drainage strategy. These must be provided before planning permission is granted.

Following discussions with the Engineering - Drainage Service Manager, it has been agreed that the above requirements can be dealt with via a condition that must be approved before any development is carried out.

Network Rail: Comments awaited.

## **Summary Of Representations**

No public representations received.

## **Relevant Planning History**

P/2014/0675/R4: Removal of existing earth bank to create new nursery playground extension - Scheme Option B: Pending consideration.

P/2013/0141/PA: Single storey extension, comprising three classrooms, staffroom, hall and kitchen with associated storage: Approved 04.02.2014

P/2012/0723/PA: Adjustment of school site boundary to create additional play area: Approved 25.04.2013

P/2011/1102/R4: Installation of solar panels on roof(s) of building(s): Approved 11.11.2011

P/2008/0129/PA: Boundary Extension And New Fence To South Of Site: Approved 14.03.2008

P/2006/1654/PA: Single Storey Extension: Approved 28.12.2006

### **Key Issues/Material Considerations**

The key issues are:

1. The Principle of the Development
2. Impact on Trees
3. Visual Impact
4. Drainage

#### 1. The Principle of Development

Local Plan Policy CFS states that applications for new educational infrastructure are acceptable in principle, whilst Policy CF10 states the improvement of educational facilities at existing schools will be permitted subject to certain considerations. The relevant considerations are: the size of the school site must be sufficient to accommodate the satisfactory design and layout of the facility; existing playing fields should be safeguarded; and surrounding residential areas should not be affected. The proposals are considered to satisfy these criteria, therefore the principle of the development is acceptable.

This assessment takes into account paragraph 72 of the NPPF, which states that local planning authorities should give great weight to the need to create, expand or alter schools in support of ensuring that a sufficient choice of school places is available to meet the needs of the community. The application has been submitted because from September 2014 the annual intake into Reception Year will increase from 60 children to 90 children per annum and the existing play area for Reception age children (5 years) was built to accommodate two form entry (60 children). Therefore, it is under sized as required by the Early Years Curriculum.

#### 2. Impact on Trees

According to the plans, the proposals would result in the removal of one small tree on the site and one small tree adjacent. However, there are more trees planted along the southern edge of the site that are not shown on the plans and would also need to be removed. The quality and species of these trees is unknown because a tree survey has not been carried out. However, in

consultation with the Council's Arboricultural Officer, the removal of the trees is acceptable provided suitable replacement trees are planted to mitigate for their loss. A tree survey should be carried out prior to the commencement of development to identify the species of the trees to be removed and the rooting zones of other nearby trees, in order to inform the replacement species and the location of tree protective fencing during construction to avoid damaging existing trees to the detriment of their safety.

Therefore, subject to conditions securing the matters above, the proposals are acceptable with regard to the impact on trees and in accordance with Local Plan Policy L9.

### 3. Visual Impact

The existing trees provide a 'green' backdrop to the Torre Valley North playing fields to the south and can be glimpsed from Avenue Road within the conservation area to the east. The loss of the trees to create the playground would provide a gap in the tree line along the embankment. However, it is considered that the harm this would cause would be limited given the small size of the trees to be removed and retention of surrounding trees, plus replacement planting. Furthermore, the replacement trees could be planted within the playground to the south in order to maintain the tree line. This would be investigated through the discharge of conditions. Notwithstanding, this issue does not outweigh the positive benefits of improving facilities at the school described under 1 above.

Whilst the new Local Plan provides slightly more weight to this issue by allocating the land as part of an Urban Land Protection Area (ULPA), it is still considered to be insufficient to outweigh the positive benefits of the proposals. Furthermore, the new Local Plan has limited weight at present, as it has not been adopted.

### 4. Drainage

The proposals would replace a grassed area with a hard surfaced area resulting in increased surface water runoff. No details have been provided to show how surface water would be dealt with in order not to increase the risk of flooding to surrounding buildings, roads and land, including the railway line. Whilst comments are awaited from Network Rail, a specially worded condition has been drafted to approve drainage details before development starts and which takes into account Network Rail's interests. This has been approved by the Council's Engineering - Drainage department and has been sent to Network Rail for comment.

Therefore, subject to this condition, the proposals are considered to be acceptable with regards to drainage and in accordance with Local Plan Policy EPS and paragraph 103 of the NPPF. Network Rail's comments shall be reported

as a late representation and a verbal update will be provided at committee accordingly.

**S106/CIL -**

N/A

### **Conclusions**

The proposed development is acceptable, subject to appropriately worded conditions addressing the key issues above. The playground extension is required due to the expansion of the school from a school intake of 60 children per year to 90 children per year into Reception. Both local and national policy support new school facilities to accommodate new school places to meet the needs of communities.

### **Condition(s)/Reason(s)**

01. No development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (1) Evidence that trial holes and infiltration tests have been carried out on the site to confirm whether the ground is suitable for a soakaway(s). Trial holes and infiltration tests must be carried out in accordance with Building Research Establishment Digest 365. In addition, evidence demonstrating that the use of a soakaway(s) at this location will not result in an increased risk of flooding to surrounding buildings, roads and land, including the railway line, or destabilise the railway embankment running parallel with the school. This should take into consideration re-emergence of surface water onto surrounding properties after it has soaked away.

In the event that the evidence submitted under (1) above demonstrates that the ground conditions are suitable for a soakaway(s) and will not result in an increased risk of flooding to surrounding buildings, roads and land, including the railway line, or destabilise the railway embankment running parallel with the school, no development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (i) Detailed design of the soakaway(s) in accordance with Building Research Establishment Digest 365, including how it has been sized and designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change.

(ii) Details of the surface water drainage system connecting the new playground to the soakaway(s), which must be designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change.

In the event that the evidence submitted under (1) above demonstrates that the ground conditions are not suitable for a soakaway(s) or will result in an increased risk of flooding to surrounding buildings, roads and land, including the railway line, or destabilise the railway embankment running parallel with the school, no development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:

(i) Evidence of how surface water will be dealt with in order not to increase surface water discharge to the Torre Valley watercourse or increase the risk of flooding to surrounding buildings, roads and land, including the railway line, or destabilise the railway embankment running parallel with the school. The playground hereby approved shall not be brought into use until the approved surface water drainage system has been completed as approved and the surface water drainage system shall be continually maintained thereafter.

Reason: In the interests to adapting to climate change and managing flood risk, and in order to accord with saved Policy EPS of the Adopted Torbay Local Plan 1995-2011 and paragraph 103 of the NPPF.

02. No development shall take place until a Tree Survey in accordance with BS 5837:2012 (or any superseding standard) has been submitted to and approved in writing by the Local Planning Authority. The Tree Survey shall survey the trees on the site and within 10 metres of the site boundary and shall define the Root Protection Area of the trees.

Reason: To identify the tree species to be lost and within close proximity of the site in order to inform a strategy for replacement tree planting and methodology to protect trees to be retained during construction.

03. No development shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS 5837:2012 (or any superseding standard) have been submitted to and approved in writing by the Local Planning Authority. This shall include the location and details of protective fencing, which must be erected before development commences and retained until the completion of the development, and a methodology for the protection of roots of existing trees to be retained. No vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences. The approved Tree Protection Plan and Arboricultural Method Statement shall be adhered to throughout the construction period.

Reason: To protect the trees which are to be retained in the interests of the amenities of the area and to accord with Saved Policy L9 of the Adopted Torbay

Local Plan 1995-2011.

04. Prior to the commencement of development, the location and species of replacement tree planting shall be submitted to and approved in writing by the Local Planning Authority together with the methodology for their planting. The ratio of replacement trees to trees removed shall be 1:1, unless otherwise agreed with the Council. The location of the replacement trees shall include along the southern boundary of the site, unless otherwise agreed with the Council. The replacement trees shall be planted within the first planting season following the first use of the playground or completion of the development, whichever is the sooner, or in earlier planting seasons where practicable, and any trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To mitigate for the loss of the existing trees in the interests of the amenities of the area in accordance with saved Policy L9 of the Adopted Torbay Local Plan 1995-2011.

**Relevant Policies**

CFS - Sustainable communities strategy  
CF10 - New schools and improved school facilities  
LS - Landscape strategy  
L9 - Planting and retention of trees  
EPS - Environmental protection strategy

# Agenda Item 7

**Application Number**

P/2014/0675

**Site Address**

Cockington Primary School  
Old Mill Road  
Torquay  
Devon  
TQ2 6AP

**Case Officer**

Matt Diamond

**Ward**

Cockington With Chelston

**Description**

Removal of existing earth bank to create new nursery playground extension - Scheme Option B

**Executive Summary/Key Outcomes**

The application is to extend the school playground at Cockington Primary School by removing part of a grass embankment, including a number of small trees. It is the larger of two options to extend the playground at the school (Option B) and is the preferred option of the School due to its larger size. The application has been submitted to cater for the larger intake of children into Reception Year at the School from September 2014. Both applications relate to land immediately to the rear/south of Cockington Primary School, not on Torre Valley North Playing Field.

The proposals are acceptable in principle and are supported by policies in the Adopted Torbay Local Plan 1995-2011 ('the Local Plan') and NPPF. The land does not form part of a playing pitch and is incapable of forming part of one, therefore it does not need to be protected in this regard and Sport England does not object to its loss. Whilst the loss of the trees would have a limited visual impact on the character of the area, this would be mitigated by replacement tree planting and the retention of surrounding trees.

No details have been provided of the proposed drainage strategy and there are known flooding issues within the area. A pre-commencement condition has been agreed with the Council's Engineering - Drainage department accordingly and this has taken into consideration the interests of Network Rail. Comments are still awaited from Network Rail and these will be reported as a late representation with a verbal update given at committee accordingly.

**Recommendation**

Conditional approval

### **Statutory Determination Period**

The application was validated on 16.07.2014. The 8 week determination date is 11.09.2014.

### **Site Details**

The site comprises a relatively small parcel of land within the curtilage of Cockington Primary School, Old Mill Road, Torquay. The total site area is 256 sq m. The parcel of land is sited south of the children's centre.

The site comprises a grass embankment with a number of small trees and a set of steps to the west divided from the rest of the site by a 1.8m high security fence.

There are playgrounds to the north and south, whilst the embankment continues east and west with more trees and vegetation. At its closest point, the site is 9 metres from the boundary with the railway line.

The site is undesignated in the Local Plan, but the railway embankment is designated a Local Wildlife Site (LWS). The site is designated as part of an Urban Landscape Protection Area (ULPA) in the Torbay Local Plan: A landscape for success - Proposed Submission Plan ('the new Local Plan'), which has been submitted to the Government for examination, and is in close proximity to a flood risk area to the south.

### **Detailed Proposals**

The proposals are to remove part of the grass embankment, including two trees on the site and one tree adjacent, and regrade and resurface the land in tarmac to create an extension to the existing school playground. The playground would be approximately 0.5 metres higher than the existing playground to the south, therefore a concrete retaining wall with brick facing to match existing would be provided with green powder coated railings on top. The existing steps to the west would be upgraded to concrete and the adjacent footpath resurfaced in tarmac. A new 1.2 metre green powder coated gate would be provided to control access to the existing playground to the south. In addition, new stepped access to the existing steps would be built and an existing ramped access widened.

This application (Option B) is accompanied by a second application (Option A) and is the preferred choice of the school. It is for a larger playground than Option A.

## **Summary Of Consultation Responses**

Sport England: No objections - the land is incapable of forming part of a playing pitch.

(Sport England has also commented on the application to create the existing playground to the south (ref. P/2012/0723), but this has no relevance to this application.)

Arboricultural Officer: No tree survey submitted. Rooting zones of various trees would be affected by both options. Scheme suitable for approval, subject to submission of tree survey prior to commencement. This is required to identify quality of existing trees and define root zones to inform mitigation tree planting and safety implications.

It is considered that the above requirements can be secured via pre-commencement conditions should the application be approved.

Environment Agency: No objections.

Engineering - Drainage: No additional surface water drainage allowed to the Torre Valley Watercourse, due to major flooding issues. A sustainable drainage option should be investigated first. No details provided of proposed drainage strategy. These must be provided before planning permission is granted.

Following discussions with the Engineering - Drainage Service Manager, it has been agreed that the above requirements can be dealt with via a condition that must be approved before any development is carried out.

Network Rail: Comments awaited.

## **Summary Of Representations**

No public representations received.

## **Relevant Planning History**

P/2014/0674/R4: Removal of existing earth bank to create new nursery playground extension -Scheme Option A: Pending consideration.

P/2013/0141/PA: Single storey extension, comprising three classrooms, staffroom, hall and kitchen with associated storage: Approved 04.02.2014

P/2012/0723/PA: Adjustment of school site boundary to create additional play area: Approved 25.04.2013

P/2011/1102/R4: Installation of solar panels on roof(s) of building(s): Approved 11.11.2011

P/2008/0129/PA: Boundary Extension And New Fence To South Of Site: Approved 14.03.2008

P/2006/1654/PA: Single Storey Extension: Approved 28.12.2006

### **Key Issues/Material Considerations**

The key issues are:

1. The Principle of the Development
2. Impact on Trees
3. Visual Impact
4. Drainage

#### 1. The Principle of Development

Local Plan Policy CFS states that applications for new educational infrastructure are acceptable in principle, whilst Policy CF10 states the improvement of educational facilities at existing schools will be permitted subject to certain considerations. The relevant considerations are: the size of the school site must be sufficient to accommodate the satisfactory design and layout of the facility; existing playing fields should be safeguarded; and surrounding residential areas should not be affected. The proposals are considered to satisfy these criteria, therefore the principle of the development is acceptable.

This assessment takes into account paragraph 72 of the NPPF, which states that local planning authorities should give great weight to the need to create, expand or alter schools in support of ensuring that a sufficient choice of school places is available to meet the needs of the community. The application has been submitted because from September 2014 the annual intake into Reception Year will increase from 60 children to 90 children per annum and the existing play area for Reception age children (5 years) was built to accommodate two form entry (60 children). Therefore, it is under sized as required by the Early Years Curriculum.

#### 2. Impact on Trees

According to the plans, the proposals would result in the removal of two small trees on the site and one small tree adjacent. However, there are more trees planted along the southern edge of the site that are not shown on the plans and would also need to be removed. The quality and species of these trees is unknown because a tree survey has not been carried out. However, in consultation with the Council's Arboricultural Officer, the removal of the trees is

acceptable provided suitable replacement trees are planted to mitigate for their loss. A tree survey should be carried out prior to the commencement of development to identify the species of the trees to be removed and the rooting zones of other nearby trees, in order to inform the replacement species and the location of tree protective fencing during construction to avoid damaging existing trees to the detriment of their safety.

Therefore, subject to conditions securing the matters above, the proposals are acceptable with regard to the impact on trees and in accordance with Local Plan Policy L9.

### 3. Visual Impact

The existing trees provide a 'green' backdrop to the Torre Valley North playing fields to the south and can be glimpsed from Avenue Road within the conservation area to the east. The loss of the trees to create the playground would provide a gap in the tree line along the embankment. However, it is considered that the harm this would cause would be limited given the small size of the trees to be removed and retention of surrounding trees, plus replacement planting. Furthermore, the replacement trees could be planted within the playground to the south in order to maintain the tree line. This would be investigated through the discharge of conditions. Notwithstanding, this issue does not outweigh the positive benefits of improving facilities at the school described under 1 above.

Whilst the new Local Plan provides slightly more weight to this issue by allocating the land as part of an Urban Land Protection Area (ULPA), it is still considered to be insufficient to outweigh the positive benefits of the proposals. Furthermore, the new Local Plan has limited weight at present, as it has not been adopted.

### 4. Drainage

The proposals would replace a grassed area with a hard surfaced area resulting in increased surface water runoff. No details have been provided to show how surface water would be dealt with in order not to increase the risk of flooding to surrounding buildings, roads and land, including the railway line. Whilst comments are awaited from Network Rail, a specially worded condition has been drafted to approve drainage details before development starts and which takes into account Network Rail's interests. This has been approved by the Council's Engineering - Drainage department and has been sent to Network Rail for comment.

Therefore, subject to this condition, the proposals are considered to be acceptable with regards to drainage and in accordance with Local Plan Policy EPS and paragraph 103 of the NPPF. Network Rail's comments shall be reported as a late representation and a verbal update will be provided at committee

accordingly.

**S106/CIL -**

N/A

### **Conclusions**

The proposed development is acceptable, subject to appropriately worded conditions addressing the key issues above. The playground extension is required due to the expansion of the school from a school intake of 60 children per year to 90 children per year into Reception. Both local and national policy support new school facilities to accommodate new school places to meet the needs of communities.

### **Condition(s)/Reason(s)**

01. No development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (1) Evidence that trial holes and infiltration tests have been carried out on the site to confirm whether the ground is suitable for a soakaway(s). Trial holes and infiltration tests must be carried out in accordance with Building Research Establishment Digest 365. In addition, evidence demonstrating that the use of a soakaway(s) at this location will not result in an increased risk of flooding to surrounding buildings, roads and land, including the railway line, or destabilise the railway embankment running parallel with the school. This should take into consideration re-emergence of surface water onto surrounding properties after it has soaked away.

In the event that the evidence submitted under (1) above demonstrates that the ground conditions are suitable for a soakaway(s) and will not result in an increased risk of flooding to surrounding buildings, roads and land, including the railway line, or destabilise the railway embankment running parallel with the school, no development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (i) Detailed design of the soakaway(s) in accordance with Building Research Establishment Digest 365, including how it has been sized and designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change.
- (ii) Details of the surface water drainage system connecting the new playground to the soakaway(s), which must be designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change.

In the event that the evidence submitted under (1) above demonstrates that the ground conditions are not suitable for a soakaway(s) or will result in an increased risk of flooding to surrounding buildings, roads and land, including the railway line, or destabilise the railway embankment running parallel with the school, no development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:

(i) Evidence of how surface water will be dealt with in order not to increase surface water discharge to the Torre Valley watercourse or increase the risk of flooding to surrounding buildings, roads and land, including the railway line, or destabilise the railway embankment running parallel with the school. The playground hereby approved shall not be brought into use until the approved surface water drainage system has been completed as approved and the surface water drainage system shall be continually maintained thereafter.

Reason: In the interests to adapting to climate change and managing flood risk, and in order to accord with saved Policy EPS of the Adopted Torbay Local Plan 1995-2011 and paragraph 103 of the NPPF.

02. No development shall take place until a Tree Survey in accordance with BS 5837:2012 (or any superseding standard) has been submitted to and approved in writing by the Local Planning Authority. The Tree Survey shall survey the trees on the site and within 10 metres of the site boundary and shall define the Root Protection Area of the trees.

Reason: To identify the tree species to be lost and within close proximity of the site in order to inform a strategy for replacement tree planting and methodology to protect trees to be retained during construction.

03. No development shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS 5837:2012 (or any superseding standard) have been submitted to and approved in writing by the Local Planning Authority. This shall include the location and details of protective fencing, which must be erected before development commences and retained until the completion of the development, and a methodology for the protection of roots of existing trees to be retained. No vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences. The approved Tree Protection Plan and Arboricultural Method Statement shall be adhered to throughout the construction period.

Reason: To protect the trees which are to be retained in the interests of the amenities of the area and to accord with Saved Policy L9 of the Adopted Torbay Local Plan 1995-2011.

04. Prior to the commencement of development, the location and species of replacement tree planting shall be submitted to and approved in writing by the Local Planning Authority together with the methodology for their planting. The ratio of replacement trees to trees removed shall be 1:1, unless otherwise agreed with the Council. The location of the replacement trees shall include along the southern boundary of the site, unless otherwise agreed with the Council. The replacement trees shall be planted within the first planting season following the first use of the playground or completion of the development, whichever is the sooner, or in earlier planting seasons where practicable, and any trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To mitigate for the loss of the existing trees in the interests of the amenities of the area in accordance with saved Policy L9 of the Adopted Torbay Local Plan 1995-2011.

**Relevant Policies**

CFS - Sustainable communities strategy  
CF10 - New schools and improved school facilities  
LS - Landscape strategy  
L9 - Planting and retention of trees  
EPS - Environmental protection strategy

# Agenda Item 8

**Application Number**

P/2014/0704

**Site Address**

Land Adj No. 7 (playground) Glebeland Way  
Torquay  
Devon  
TQ2 7RP

**Case Officer**

Mr Robert Pierce

**Ward**

Shiphay With The Willows

**Description**

Construction of one split level 4-bedroom detached house with associated parking

**Executive Summary/Key Outcomes**

The application has been submitted on behalf of the Council for outline consent for the construction of a detached dwelling. Access is to be considered as part of this application but the remaining matters of appearance, landscaping, layout and scale are to be addressed at reserved matters stage. The application site is within the Veille Park Estate, it is steeply sloping and is currently in use as a children's playground.

The principle of a detached dwelling in this location is considered to be acceptable with the building height and design to be determined at reserved matters stage. It is considered that a suitably designed and scaled property, along with sufficient additional landscaping, would result in a dwelling which would sit quite comfortably within a relatively large plot and would be in keeping with the character of the surrounding residential area which comprises a mix of detached, semi-detached and terraced properties.

A section 106 agreement is required to secure necessary contributions in accordance with the Council's adopted Planning Contributions and Affordable Housing Supplementary Planning Document (SPD) and its Update 3, and the adopted Council Report 'Third Party Contributions towards the South Devon Link Road'.

**Recommendation**

Subject to securing payment of Sustainable Development Contributions by the purchaser of the land through a S106 legal agreement that outline planning permission be granted with conditions as set out at the end of the report.

## **Statutory Determination Period**

The eight week target date for the application is 16th September 2014.

## **Site Details**

The application site is a steeply sloping irregularly shaped area of land (0.383 hectares) and is currently in use as a children's play area. The site fronts onto Glebeland Way and slopes down to a central level plateau with a further slope down to a footpath which runs along the rear of properties on Fowey Avenue. There are two public sewers which run through one side of the site which restrict development to the North West half of it. A tree, which is located off site, has a rootspread into the site and also limits the developable area.

## **Detailed Proposals**

The application is submitted in outline with all matters reserved apart from access for construction of a detached dwelling with parking. The submitted plans indicate that there would be an access from the Glebeland Way frontage and a feasibility scheme indicates that one dwelling can be accommodated without impediment to the servicing of the sewers. The drawings also indicate that the gradient of the access is 1in10.

## **Summary Of Consultation Responses**

Highways - No objection subject to achieving an access drive no steeper than 1in 8

Strategic Transport - SPD contribution of £2710 to support provision and enhancement of public transport infrastructure.

Drainage Engineer - Details of infiltration tests to ascertain whether the site is suitable for soakaways otherwise confirmation will be required that SWW will accept surface water from the development onto their system.

Arboricultural Officer - Scheme acceptable subject to landscaping and tree protection conditions.

Natural Environment Officer - It is acceptable to decommission the playground with proceeds of the sale being invested in improving the nearby Exe Hill Playground.

South West Water - Observations awaited

## **Summary Of Representations**

Eight letters of representation have been received objecting to the application that raise the following points:

- Loss of the children's playground.
- Increase in parking problems
- Loss of a thoroughfare
- Overlooking into adjoining properties
- Loss of Light

## **Relevant Planning History**

Pre Application Discussion - Principle of residential considered acceptable

## **Key Issues/Material Considerations**

The main issues are the principle of residential development in this location, accessibility, the impact of the proposal on the amenity of adjoining occupiers and the loss of the playground.

As the application is in outline with appearance, layout, landscaping and scale to be considered at reserved matters stage, the form of development does not need to be addressed at this time. It is the principle of the development on the site that should be considered under this application.

## **Principle and Planning Policy**

The principle of constructing a dwelling on the site would be consistent with Policies H2 and H9 in the Torbay Local Plan 1995-2011. The predominant existing use of the immediate area is residential. The site is constrained by the existence of public sewers which run through it and therefore only one half of it can be developed in the form of a detached dwelling. However this has given the opportunity to make provision for a larger than average area for parking and garden/amenity space. There is a mix of housing types within Veille Park and a detached dwelling set down from the road frontage would not be out of character. The feasibility plan shows how a modern split level dwelling with an integral garage can be designed to fit into this sloping site.

## **Accessibility**

The feasibility plan demonstrates that three off street parking spaces can be provided and that the access will have an acceptable gradient of 1:10.

## **Amenity -**

In relation to amenity, the closest neighbour is No 7 Glebeland Way which is set approximately 2 metres off the boundary. In order to allow for a Service Zone for the public sewers, the proposed dwelling has to be set approximately 1 metre off the boundary. The distance between the properties is considered to be acceptable and the stairwell windows to the proposed side elevation on the indicative drawings could be obscure glazed to prevent overlooking into a first floor window on the side of No 7 Glebeland Way. The inclusion of an indicative terraced area over the lower ground floor projection could result in overlooking and its inclusion would have to be carefully considered at the detailed design stage. Concern has been raised by residents on Fowey Avenue that the proposed dwelling would overlook the rear of their properties and would result in a loss of light. The distance between the proposed dwelling and the rear of the properties on Fowey Avenue is in excess of 20 metres which is considered to be an acceptable distance in terms of protecting amenity. There is also a public footpath between the curtilages. Consideration should however be given to screen planting along the rear boundary of the site at the detailed design stage..

## **Loss of the Playground**

Most of the representations received are concerned about the loss to the community of the playground. As a condition of the Government's 'Play Builder' scheme the Council has analysed its play spaces and as a result the Glebeland Way Playground received one of the lowest scores because the playground is not well overlooked, its access is poor and the size and topography is not commensurate for play. Proceeds from the disposal of the site would contribute towards the capital improvement of the nearby Exe Hill playground which is situated within 480 metres of Glebeland Way. This would allow for the replacement of existing equipment and further expansion of the equipment available, increasing the provision of and play value of play facilities for younger children in Shiphay. The proposed development would therefore meet the criteria of Policy R5 of the Torbay Local Plan 1995 to 2011 as alternative provision is being made.

## **S106/CIL -**

In accordance with SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" section 106 contributions (based on the indicative size of the dwelling being between 95 - 119 sq metres would be as follows:

Sustainable Transport	£2,385
Waste Management	£50
Lifelong Learning	£85
Greenspace and Recreation	£2,045
South Devon Link Road	£975
Admin Charge	£277
Total Payment	£5,817 or early payment of £5,526

### **Conclusions**

In conclusion, the proposal is for outline consent for one detached dwelling. The only detail to be agreed at this stage is the access to the site. All other matters are to be considered at reserved matters stage. The existing playground is not conducive to good quality children's play and proceeds from developing the site will give the opportunity to improve the nearby Exe Hill Playground. The proposed residential use would be consistent with the predominant residential character of the area and would provide a detached family home within a large plot. The proposed dwelling is acceptable having regard to all national and local planning policies and all other relevant material considerations.

### **Condition(s)/Reason(s)**

01. Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (i) layout;
- (ii) scale (including the datum level at which the dwelling are to be constructed in relation to an agreed fixed point or O.S. datum);
- (iii) appearance (including schedule of materials for all external hard-surfaced areas); and
- (iv) landscaping (including boundary treatment and all means of enclosure). The reserved matters shall be carried out as approved. Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

02. The development shall not be occupied until the vehicle parking areas shown on the details to be submitted and approved under Condition 1 above have been provided and made available for use. The areas shall be kept permanently available for parking purposes to serve the development.

Reason: To ensure that adequate off-street parking is provided in accordance with saved Policy T25 of the Adopted Torbay Local Plan 1995-2011.

03. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- (a) the parking of vehicles of site operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials used in constructing the development
- (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (e) wheel washing facilities
- (f) measures to control the emission of dust and dirt during construction
- (g) a scheme for recycling/disposing of waste resulting from demolition and construction works
- (h) measures to minimise noise nuisance to neighbours from plant and machinery. The approved Statement shall be adhered to throughout the construction period.

Reason: To safeguard the Local Planning Authority's rights of control over these details to ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the convenience of highway users.

04. No development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (1) Evidence that trial holes and infiltration tests have been carried out on the

site to confirm whether the ground is suitable for a soakaway(s). Trial holes and infiltration tests must be carried out in accordance with Building Research Establishment Digest 365. In addition, evidence is to be provided demonstrating that the use of a soakaway(s) at this location will not result in an increased risk of flooding to surrounding buildings, roads and land. This should take into consideration re-emergence of surface water onto surrounding properties after it has soaked away. In the event that the evidence submitted under (1) above demonstrates that the ground conditions are suitable for a soakaway(s) and will not result in an increased risk of flooding to surrounding buildings, roads and land:

(2) Detailed design of the soakaway(s) in accordance with Building Research Establishment Digest 365, including how it has been sized and designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change.

(3) Details of the surface water drainage system connecting the new building to the soakaway(s), which must be designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change.

In the event that the evidence submitted under (1) above demonstrates that the ground conditions are not suitable for a soakaway(s) or will result in an increased risk of flooding to surrounding buildings, roads and land:

(4) Evidence of how surface water will be dealt with in order not to increase the risk of flooding to surrounding buildings, roads and land. The dwelling shall not be occupied until the approved surface water drainage system has been completed as approved and the said approved drainage system shall be continually maintained thereafter.

Reason: In the interests to adapting to climate change and managing flood risk, and in order to accord with saved Policies EPS and EP11 of the Adopted Torbay Local Plan 1995-2011 and paragraph 103 of the NPPF.

05. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwelling or the completion of the development, whichever is the sooner, in earlier planting seasons where practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the amenities of the area, and to accord with saved Policy BE2 of the Adopted Torbay Local Plan 1995-2011.

06. Prior to commencement of development, tree protective fencing in accordance with B.S.5837:2012 Trees in relation to design, demolition and

construction shall be installed around the offsite Ash Tree identified in the South West corner of the site on drawing no.1403.101. There should be no change to the soil levels within the defined area to protect root zones.

Reason: In the interests of the amenities of the area and to accord with saved Policy BE2 of the Adopted Torbay Local Plan 1995-2011.

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any order revoking and re-enacting that order, no development of the types described in Schedule 2, Parts 1 and 2 shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the area in accordance with saved Policies BES, BE1, H9 and H15 of the Adopted Torbay Local Plan 1995-2011.

### **Informative(s)**

01. The applicant is advised that the landscaping scheme to be submitted as a reserved matter should include the provision of 1 tree to be planted to the front of the site.

02. The applicant is advised that written confirmation that SWW will accept surface water from the development onto their system is required if the site is not suitable for soakaways.

### **Relevant Policies**

R5 - Protection of public open spaces  
BES - Built environment strategy  
HS - Housing Strategy  
H2 - New housing on unidentified sites  
BE1 - Design of new development  
BE2 - Landscaping and design  
EP11 - Flood control  
NPPF - National Planning Policy Framework  
H9 - Layout, and design and community aspects