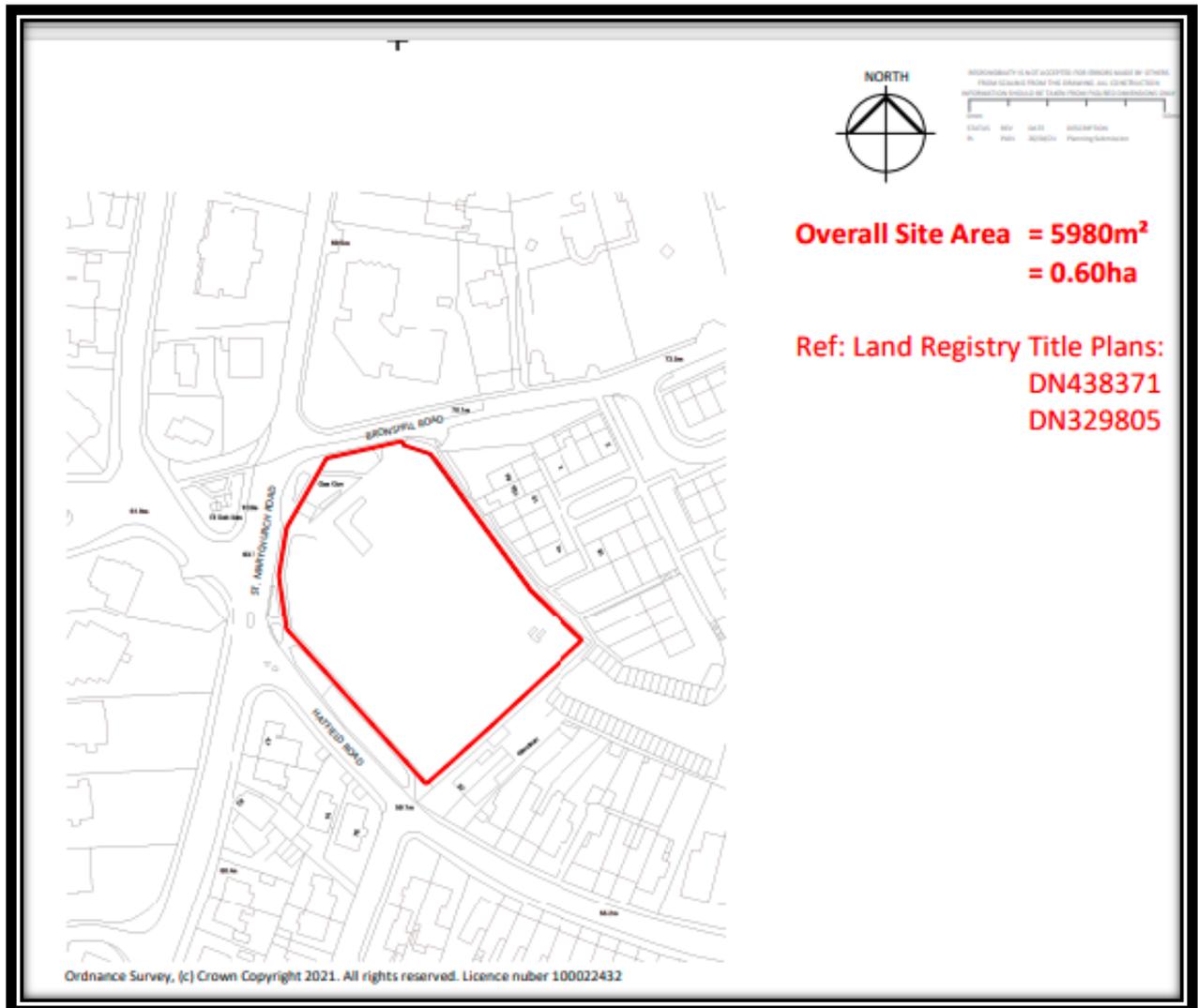


Application Site Address	Hatfield House, Hatfield Road, Torquay, TQ1 3HF
Proposal	Redevelopment of 31 apartments & office building with 43 no.1 & no.2 bed apartments, including age restricted & associated landscaping, access & parking.
Application Number	P/2021/0705
Applicant	Sanctuary Affordable Housing Ltd
Agent	Situ8 Planning Consultancy
Date Application Valid	21.06.2021
Decision Due date	20.09.2021
Extension of Time Date	20.12.2021
Recommendation	<p>Approval: Subject to;</p> <p>The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;</p> <p>The completion of the Nomination Agreement.</p> <p>The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.</p>
Reason for Referral to Planning Committee	Major Planning Application
Planning Case Officer	Mr. Alexis Moran



Site Details

The site lies at the junction of Hatfield Road, St Marychurch Road and Bronshill Road. The site previously housed 31 affordable apartments and an office building, but these have now been demolished and the site has been cleared.

The site is formed from the former grounds of the early Victorian villa of Hatfield House built in c.1845 and demolished in 1963.

Henbury Close is to the east of the site, this is a small housing development of red brick terraced houses. To the north is a three-storey block of flats in a yellow render with red brick balconies, red brick window detailing and string courses. The Upton Conservation Area lies to the west of the site (the site is not within the conservation area) where there are a number of fine stuccoed Italianate villas. To the south of the

site there is a high limestone wall which bounds Hatfield Road and emphasises the level change from the north to the south of the site.

In terms of Local Plan designations, the site is within the Community Investment Area and is not designated within the Torquay Neighbourhood Plan.

Description of Development

The application seeks consent to replace 31 affordable apartments and an office block with 43 affordable rented apartments including a mix of 15 x one and 28 x two bed apartments housed within 6 small blocks 5 of which are to be 3 storeys in height. Block D is made up of 9 apartments which are all age restricted.

Accommodation is split over the 6 buildings as follows;

Block A 6 x 2 bed 3 person

Block B 2 x 1 bed 2 person & 4 x 2 bed 3 person

Block C 3 x 1 bed 2 person & 6 x 2 bed 4 person

Block D 3 x 1 bed 2 person & 6 x 2 bed 4 person

Block E 3 x 1 bed 2 person & 6 x 2 bed 4 person

Block F proposes 4 x 1 bed apartments and in the style of a pair of semi-detached houses.

In total, the site will provide 38 car parking spaces inclusive of disabled parking and visitor parking, more than 20% of the spaces to have dedicated electric car charging points. A secure, covered mobility scooter store consisting of nine spaces is proposed adjacent to the proposed nine age restricted dwellings which are in Block D. Forty-two cycle racks are proposed in secure covered cycle stores on site.

Pre-Application Enquiry

DE/2018/0070 - Redevelopment of 21 apartments and office building with 50 affordable dwellings and associated access and parking. Feedback was supplied to the applicant mainly focusing on design, conservation, affordable housing and highways, which has led to the submission of this planning application.

Relevant Planning Policy Context

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

Development Plan

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

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published Standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

Summary of Representations

One letter of objection has been received which relates to overlooking, ecology, noise and pollution.

Summary of Consultation Responses

Torbay Council Senior Tree and Landscape Officer – No objection subject to compliance with the submitted Tree Protection Plans and a pre-commencement AMS for the sequence of operations and site inspection frequency.

Torbay Council Drainage Engineer – No objections on drainage grounds to planning permission being granted for the development provided the surface water drainage is constructed in accordance with the hydraulic design and drawings included in the submitted drainage assessment report dated September 2021.

Senior Environmental Health Officer – No objection subject to the submission of a Construction Method Statement.

Torquay Neighbourhood Forum – No comment received

SWW – No objection.

Police Liaison Officer – no objection, it is recommended that the development complies with 'Secured by Design'.

Housing Delivery Officer - Council planning policy is that 20% of the units delivered on this site should be affordable, of which, at least 1/3 should be for social rent, 1/3 affordable rent and up to 1/3 shared ownership. This tenure mix is not being provided as part of this application although this is mitigated by the fact that 100% of the homes being delivered are affordable rather than only 20%.

Torbay Council Highways Consultant – No objection.

Key Issues/Material Considerations

Planning Officer Assessment

1. Principle of Development
2. Design and Visual Impact (including the impact upon the setting of the adjacent Conservation Area)
3. Impact on Residential Amenity.
4. Impact on Highway Safety.
5. Ecology and Biodiversity
6. Flood Risk and Drainage
7. Low Carbon Development and Climate Change

1. Principle of Development

In terms of context the site is a vacant 'brownfield' site located in an established urban area of Torquay relatively close to the town centre and the various shops, services and associated transport options.

Policy H1 (Applications for new homes) of the Torbay Local Plan cites that proposals for new homes within the built up area will be supported subject to

accordance with the other policies contained within the Local Plan. The site sits in the built up area.

Policy TS4 (Support for Brownfield and Greenfield development) of the Torquay Neighbourhood Plan cites that development proposals for brownfield sites will be supported, providing there are no significant adverse impacts, having regard to other policies in the plan. Other material considerations will be discussed in turn within the Officer Assessment, however in terms of principle there is a concept of support.

In addition to the above the Council cannot currently demonstrate a 3 or 5 year housing land supply, which is a relevant material consideration to the principle. For decision making this means that the policies most important for determining applications for housing in the Neighbourhood Plan and the Local Plan are considered to be out of date and therefore should be afforded limited weight within the current decision-making process. The 'tilted balance' in favour of sustainable housing development therefore applies subject to the detail wording of the NPPF Para 11 and the associated footnotes. This principally means that harm should significantly and demonstrably outweigh benefits for permission to be withheld. This current context therefore increases the prospect of planning permission being granted because it 'tilts' the balance in favour of approving an application for housing.

There is therefore support for the provision of a residential use on the site. The policy support is clear within Policies TH1 and TS4 of the Torquay Neighbourhood Plan and the current shortfall in housing land supply strengthens this support.

This position is however subject to wider policy considerations that are relevant to the development proposal, which will be discussed in the following sections of this assessment.

2. Design and Visual Impact (including the impact upon the setting of the adjacent Conservation Area)

Nationally achieving good design is a central thread within government guidance and Part 12 of the NPPF (Achieving well-designed places) offers key guidance. Paras 126, 127, 130, and 134 are particularly relevant and accumulatively guide that the

creation of high quality buildings and places is fundamental to what the planning and development process should achieve, that good design is a key aspect of sustainable development, and the importance of design being sympathetic to local character (built environment and landscape setting). Para 134 advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy DE1 (Design) of the Torbay Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy DE4 (Building Heights) cites that the height of new buildings should be appropriate to the location and that they should be built to the prevailing building height unless there are sound socio-economic benefits to justify a deviation.

Policy TH8 (Established architecture) of the Torquay Neighbourhood Plan cites that development should be of good quality design, respect the local character in terms of height, scale and bulk; and reflect the identity of its surroundings.

The development consists of building heights of predominantly three storeys (12m in height) with one building of two storeys. In terms of scale the apartment buildings adequately respect the height of the adjacent dwellings and accords with the building heights in the local area, it is noted that the previous development on the site consisted of a large 3 storey building to the north of the site with two storey buildings to the south.

The design of the buildings is considered to be of good quality with pitched roofs to break up their massing, the modern form of development is considered to be a good fit for this location.

In terms of detailed design and materials the apartment blocks, the proposed buildings are to be finished with a mix of buff, grey and red brick with render on the three most prominent elevations which aid in breaking them up and provides some context with the buildings in the adjacent conservation area.

The proposed development as amended seeks to respect the existing character of the area and has regard to the vernacular of materials in this location.

The building frontages provide active frontages with minimal use of blank walls, particularly in prominent locations and corners.

The use of a variety of colours and materials provides interest in the street scene and aids in providing identity to the development site.

Bearing the above points in mind the proposal is deemed to comply with Policy DE1 (Design) of the Local Plan which, amongst other criteria, requires development to be uncluttered and attractive, acknowledge local character and develop distinctive character in townscape and landscape terms, relate to the surrounding built environment in terms of scale, height and massing and have a clear urban structure and grain that integrates with the surrounding context.

It is considered that the form and layout of the scheme makes effective use of the land and responds well to the topography of the site. The design enables the creation of strong building frontages which enable active surveillance to increase safety and security. The overall layout and form appears to respond effectively to the topography of the site.

It is considered that the proposed appearance, landscaping, layout and scale would not result in unacceptable harm to the character of the area. Based on the information provided, the proposed development is, for the reasons above, considered to demonstrate a satisfactory form of development in terms of layout.

There is a requirement to pay special attention to the desirability of preserving or enhancing the setting of listed buildings, and in terms of this development there is a Grade II Listed Building some 85m to the south-west of the site. Given this context, the proposal is likely to have a positive impact the setting of the Listed Building and the proposal to develop the site is considered to represent the opportunity to enhance the view along St. Marychurch Road through the addition of a well designed form of development on what is currently a vacant site.

The site is adjacent to the Upton conservation area and the application is accompanied by a Heritage Impact Assessment. The assessment notes that the use of render on principal elevations reflects the conservation area and that the addition of a good quality designed scheme is an improvement on the streetscene, particularly given the poor quality of the previous development on the site. The assessment concludes that the proposal would preserve and enhance the setting of the conservation area. The Officers view accords with these findings and that the form of development, its scale and the use of materials would preserve/enhance the character of the conservation area.

The proposal is deemed to be in broad accordance with Policies DE1, DE4, SS10 and H1 of the Torbay Local Plan, Policy TH8 of the Torquay Neighbourhood Plan, and guidance contained within the NPPF in terms of good design. This conclusion has taken account of the statutory duty under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the local planning authority, when making a decision on any decision on a planning application for development that affects a listed building or its setting, to pay special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

3. Impact on Residential Amenity

Policy DE3 of the Local Plan requires that new residential provides a good level of amenity and that units provide adequate floor space to achieve a pleasant and healthy environment. The Neighbourhood Plan is largely silent on the matter of amenity but does cite expectations for outdoor amenity space. Policy DE3 sets out guidelines for minimum floor space standards for new dwellings and apartments, which reflect the Government's National Space Standards.

These standards advise that 2 bed apartments with one double bedroom and one single bedroom should have an internal floor area of 61sqm, 2-bed apartments with two double bedrooms should have an internal area of at least 70sqm with 2sqm of additional storage and 1-bed (2 person) apartments should be at least 50sqm with 1.5m of storage. All apartments are considered to provide an acceptable scale of

living accommodation with regards to the prescribed standards. In addition to the size of the space the quality of the space should be considered, in terms of how it is positively influenced by natural light levels and outlooks.

In this regard all apartments provide a good level of both light and outlook with adequately sized windows to all key spaces and suitable open outlooks. Policy DE3 also seeks secure the provision of usable outdoor amenity space where apartments should deliver 10sqm per unit either individually or communally. The Torquay Neighbourhood Plan is in alignment with this guidance as advised within Policy THW4, either as balconies or communal space. The scheme provides balconies, private gardens and a communal greenspace that accumulatively exceeds the policy-guided minimum of 430sqm, which provides an acceptable level of outdoor space for future occupants of the apartments.

Policy W1 of the Torbay Local Plan states that as a minimum, all developments should make provision for appropriate storage of waste. Communal bin storage areas have been provided within bin store areas. The proposed bin storage facilities are considered acceptable and compliant with Policy W1.

Considering the various aspects that influence a good living environment the development is considered to provide a good standard of living accommodation for future occupiers, in accordance with policy guidance, notably Policy DE3 of the Torbay Local Plan and Policy THW4 of the Torquay Neighbourhood Plan, and advice contained within the NPPF.

One letter of objection has been received which relates to overlooking, noise/anti-social behaviour, ecology and pollution. The objector's property is approximately 25m from site with a road in-between and the existing trees to the south of the site are to be retained. The distance between the properties is considered to be sufficient enough to result in an acceptable level of intervisibility. The redevelopment of the site will result in increased activity and surveillance which is likely to have a positive effect on anti-social behaviour in the vicinity.

The closest residential property to the rear (north-east) of the site is on Henbury Close and is 21m from the proposed buildings on site. The relationship between this property and the proposed development would not be significantly different from the previous relationship on site i.e., a three storey building in this location and the impact on residential amenity is considered to be acceptable in terms of overlooking, overdominance and loss of light. The closest property to the south-east is on Hatfield Road, the relationship of the proposed building and that property would be a 15m side to side affiliation. The proposed building on this part of the site would be further to the south of the site than the previous building and would be in place of the previous car park. Notwithstanding this, the 15m side to side distance is considered one which is acceptable in an urban environment. The proposal is therefore deemed to have an acceptable impact on the residents of the closest property on Hatfield Road. On site ecology will be considered later in this report.

The construction phase will naturally result in some temporary impacts, including pollution from dust and machinery, however this can be reduced by a condition requiring the submission of a Construction Method Statement which includes a restriction on the hours of construction and requires details of delivery and construction movement and parking to be submitted and approved by the Local Planning Authority prior to development.

In summary the proposal is deemed to provide a satisfactory form of development in terms of protecting the amenities of adjacent and future occupiers, in accordance with Policies DE1 and DE3 of the Torbay Local Plan, Policy THW4 of the Torquay Neighbourhood Plan, and advice contained within the NPPF.

4. Impact on Highway Safety

The NPPF guides that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree (Para

108). It also furthers (Para 109) that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy TA1 of the Torbay Local Plan and advice contained within the NPPF principally seeks to develop a sustainable model of travel. This baseline aspiration is there to try and meet the travel needs of everyone, whilst also reducing the need for travel and thus the environment impact of movement from development.

The site is centrally located north of Torquay Town Centre and sits in an established urban environment characterised by residential properties and commercial activities. As a centrally located brownfield site it is considered a good location for residential development, and one that could meet the travel needs for occupiers equally, not just car owners, whilst also presenting options for sustainable modes of local travel for all.

Policy TA2 of the Torbay Local Plan states that all development should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. For major developments this means that a good standard of access for walking, cycling, public and private transport should be provided.

Vehicular and pedestrian access to the site will be achieved through an upgrade of the existing access from Bronshill Road. Two new pedestrian access points will be provided to link in with the existing footway on St Marychurch Road and Hatfield Road respectively.

The site is located approximately 900m north from Torquay Town Centre which provides access to a number of commercial, employment and health services for potential future users of the site. There are footways, street lighting and pedestrian infrastructure located within the proximity of the re-development site, enabling safe and continuous pedestrian movement between the site and Torquay.

Bronshill Road is categorised as an advisory cycle route with many roads within the local highway network being well lit and subject to a 30mph speed restriction. The closest bus stops are located on St Marychurch Road, which are approximately 35m and 75m, from the site respectively.

Bearing these points in mind it is considered that the site is situated within a sustainable location with access to public transport facilities and a range of amenities that can be accessed by walking/cycling to Torquay Town Centre.

It is proposed to upgrade the existing access off Bronshill Road and the Councils Highways consultant has confirmed that the visibility splays for the upgraded access are considered to be acceptable.

The applicant has undertaken a Stage 1 Road Safety Audit which identified four problems with the design proposals. The designer's response has clarified that each of the identified issues has been addressed. The applicant has submitted a swept path analysis which illustrates that refuse vehicles, fire engines and a 3.5t panel van can access the site, manoeuvre and egress the site in a forward gear.

The proposed internal layout of the site will not be adopted. It is proposed that, following consultation with relevant stakeholders, the site will be serviced internally and will be designed to accommodate the servicing from the Torbay Council Waste Management Company.

In terms of the provision of parking and cycling facilities Policy TA3 and Appendix F of the Torbay Local Plan provides the policy context, where it provides estimated requirements for parking that reflect a balance between ensuring that the levels of car parking generated by development are met on site, with the need to ensure that due consideration is also given to sustainable transport methods. Policy TH9 of the Torquay Neighbourhood Plan cites that all housing developments must meet the guideline parking requirements contained in the Local Plan unless it can be shown that there is not likely to be an increase in on-street parking arising from the development or, the development is within the town centre and an easy walk of a public car park which will be available to residents for the foreseeable future.

Appendix F identifies an expected requirement of 1 car parking space per apartment. The guidance cites that parking for visitors should also be provided for flatted development, however there is no guidance on what levels of visitor parking should be provided though. The guidance notes also state that all dwellings should have electric charging points and in flatted development 20% of available spaces should have electric charging points. In addition there should be 10% of spaces suitable for disabled users

The proposal includes a total of 38 car parking spaces, which includes two disabled parking bays, for the re-development. One car parking space is to be provided per flat with one car parking space provided for five age-restricted flats. The parking levels proposed are in accordance with the Torbay Local Plan Appendix F and the Councils Highways Consultant has confirmed that the level of parking is acceptable.

The development proposes nine parking spaces with electrical charging points which amounts to 27% and therefore is more than the 20% requirement.

The applicant has proposed a total of 48 cycle parking spaces which exceeds the requirement of 34 spaces. A total of nine mobility scooter parking spaces has been proposed for the age restricted flats in a secure and covered space.

The proposal is considered acceptable on highway and movements grounds, and in accordance with the Policies TA1, TA2 & TA3 of the Torbay Local Plan, Policy TH9 of the Torquay Neighbourhood Plan and the guidance within the NPPF.

5. Ecology & Biodiversity

Policy NC1 of the Torbay Local Plan and guidance within the NPPF seeks for development to duly consider biodiversity and take opportunities for enhancement, proportionate to the context and development.

The Ecological Assessment submitted with the application considered that the site is of negligible ecological value and makes the following recommendations which will be secured by condition:

- Any areas of new planting/landscaping should consist of native wildlife attracting species of local provenance, with appropriate aftercare and management to ensure that these areas are maintained.
- Management of underutilised areas of amenity grassland should be altered to create a wildflower meadow with a more ecologically diverse sward, which will attract a greater variety of species to the site. This would comprise of allowing the appropriate areas of grassland to remain uncut from April until late August thereby allowing floral species to flower and set seed.
- Bird boxes suitable for different species of birds should be installed on mature trees and/or incorporated into the buildings proposed for the site for a range of woodland birds.
- Bat boxes and/or bat roosting units for different species of bats should be installed on retained trees or on or within the buildings proposed for the site.

In light of the foregoing the proposal's ecological impacts are considered acceptable, having regard to Policy C4 and NC1 of the Torbay Local Plan.

6. Flood Risk and Drainage

The NPPF's key guidance (Para 167) is when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere, and where appropriate applications should be supported by a site-specific flood-risk assessment. It furthers that development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

The proposed drainage strategy has been designed in accordance with the National Planning Policy Framework (February 2019) and National Standards for Sustainable

Drainage Systems (Defra, 2011) and Torbay Council's SuDS Design Guide, which requires that consideration be given to 'discharge to ground' first, 'discharge to waterbody' second, and finally, 'discharge to sewer' if no other options are available.

Infiltration to the sub-strata has been ruled out by the ground investigation, which found that the site is mostly underlain by impermeable mudstone and sandstone bedrock and clay head within the superficial deposits. A small area of potentially permeable strata in the form of limestone was observed in the northern corner of the site, however, as the site's levels fall rapidly to the south it is not suitable for drainage.

As a discharge to ground is not considered viable and there are no nearby watercourses, surface water run-off will discharge to the public sewer network in Hatfield Road. The site is located within a Critical Drainage Area and it has been agreed with South West Water that run-off generated on the proposed development will be limited to the 1 in 10-year greenfield run-off rate or 1.5l/s, whichever is higher. As the 1 in 10 year greenfield run-off rate is lower than 1.5l/s, the discharge rate will be set to 1.5l/s Run-off generated on the site's roofs and paved areas will drain into a piped drainage network via gullies and porous paving before being conveyed to an attenuation tank. The peak rate of discharge to the existing sewer will be controlled via a flow control device limited to 1.5 l/s. The proposed drainage system will be designed to accommodate up to and including the 1in100yr storm event with an additional 40% allowance for climate change and the Council Drainage Engineer has confirmed that this is acceptable.

7. Low Carbon Development and Climate Change

Policy SS14 of the Local Plan relates to 'Low carbon development and adaptation to climate change' and seeks major development to minimise carbon emissions and the use of natural resources. Policy ES1 seeks to ensure that carbon emissions associated with existing buildings (heating, cooling, lighting and energy consumption) are limited.

The submitted Design and Access Statement includes an Energy Statement section that cites that the strategic approach to the development will be to reduce demand for energy consumption in the first instance.

The Energy Statement advises that the tight financial constraints associated with social housing provision means that the most effective method for reducing energy (& carbon) use is to take a fabric-first approach.

This means that it is the construction material, quality and design that provide the performance of the building, not technology installed. This approach proposes maximising airtightness to reduce heat-loss, the use of high insulation and optimising solar gain through the provision of openings and shading. This approach also includes optimising natural ventilation, using the thermal mass of the building fabric and using heat created from occupants. This is considered to aligned with the Energy Hierarchy, with focus on sustainable building design (reduction of energy consumption at source) and provision of energy efficiency measures.

The development is considered suitable for approval subject to satisfactory condition to secure the measures outlined within the application Energy Statement. The development is in accordance with Policy SS14 and ES1 of the Torbay Local Plan and advice contained within the NPPF.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn:

The Economic Role

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development.

Once the dwellings are occupied there would be an increase in the level of disposable income from the occupants some which would be likely to be spent in the local area and an increase in the demand for local goods and services.

There are no adverse economic impacts that would arise from this development.

In respect of the economic element of sustainable development the balance is considered to be in favour of the development.

The Social Role

The principle social benefit of the proposed development would be the provision of 43 affordable units. Given the NPPF priority to significantly boost the supply of housing, in this instance, 100% affordable housing, the additional dwellings to be provided must carry significant weight in this balance.

The site is currently vacant and the provision of housing would provide an appropriate use and offer units within a sustainable location. On balance, the social impacts of the development and the provision of the number of social units proposed, weigh in favour of the development.

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered especially relevant to the proposed development are impacts on ecology and biodiversity, drainage and carbon reduction. These matters have been considered in detail above.

The environmental benefits identified are marginal in the case of any biodiversity net gain and mitigating flood impacts. There is an environmental benefit to providing 43 units within a sustainable location where dependency on car use could be limited.

It is concluded that the environmental impacts of the development weigh neutrally or slightly positively within the planning balance.

The proposal will include bicycle storage, and the proposed development is in a sustainable location and it would make use of a brownfield site within the existing urban area.

It is concluded that the environmental impacts of the development weigh neutrally within the planning balance.

Sustainability Conclusion

Having regard to the above assessment the proposed development is considered to represent sustainable development.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme in terms of addressing the Development Plan aspiration to provide housing would produce a significantly positive impact overall and help with the supply of much needed housing.

Statement on Human Rights and Equalities Issues

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

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

Local Finance Considerations

The applicant is entering into a Nominations Agreement with the Council which specifies that 100% of the dwellings to be constructed on Site shall be Affordable Dwellings and shall not be Occupied other than as Affordable Housing. The Nominations Agreement will need to be completed prior to planning permission being granted.

Conclusions and Reasons for Decision

The proposal is considered a good use of a redundant brownfield site and would provide much needed housing to help meet local need.

The proposal is in overriding accordance with the provisions of the Development Plan and the 'Tilted Balance' adds significant weight in favour of the development in the absence of significant harm being identified.

The Torquay Neighbourhood Plan cites that development proposals for brownfield sites will be supported, providing there are no significant adverse impacts, having regard to other policies in the plan (Policy TS4 - Support for Brownfield and Greenfield development). There are deemed to be no significant adverse impacts, as outlined within this report.

The proposal is considered acceptable in principle; would not result in unacceptable harm to the character of the area, or local amenity; would provide an adequate standard of living accommodation and is acceptable in terms of access, ecology and flood risk matters.

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

Officer Recommendation

Approval: Subject to;

The conditions as outlined below with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency;

The completion of the Nomination Agreement.

The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Conditions

FRA / Drainage

The development shall be carried out in accordance with the approved Drainage Assessment (submitted September 2021) which shall be implemented in full prior to the first occupation of the development and retained and maintained for the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and in the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030 and guidance contained in the NPPF.

Construction Method Statement

Prior to the first development on site, other than ground clearance, a site specific Construction Management Plan shall have been submitted to and approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, & dust. The plan should include, but not be limited to:

- Procedures for maintaining good neighbour relations including complaint management.
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:

08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Details of delivery and construction movement and parking
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Control measures for dust and other air-borne pollutants.

The development shall be carried out in accordance with the approved Construction Management Plan which shall be implemented in full.

Reason: This information is required pre-commencement in the interests of highway safety and local neighbour amenity and in accordance with Policy TA2 and DE3 of the Torbay Local Plan 2012-2030.

Secured by Design

Prior to the first use of the development evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the design of the development meets Secured by Design standards as far as practicable. Development shall take place in accordance with the approved details and shall be retained and maintained as such for the lifetime of the development.

Reason: In the interests of crime prevention in accordance with Policy DE1 of the Torbay Local Plan and Policy TH2 of the Torquay Neighbourhood Plan.

Boundary Treatments / Means of Enclosure

Prior to the first occupation of the development, details of all boundary treatments, gates and retaining structures shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in full accordance with the

approved detail and the boundary treatments shall be retained as approved at all times during the lifetime of the development. No additional or alternative means of enclosure shall be provided at any time.

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

Ecology

Prior to the first occupation of the development hereby approved, a scheme of bat and bird boxes, in accordance with the approved ecological survey, shall be submitted to the Local Planning Authority for approval and the approved scheme shall be implemented. The approved details shall be retained for the lifetime of the development.

Reason: To ensure that the development duly considers protected species and biodiversity, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

Ecology - Nesting season

The removal of vegetation shall be undertaken outside of the bird nesting season (March-September inclusive). If not practicable demolition and/or vegetation removal shall be undertaken only immediately following an inspection of the site by a suitably qualified ecologist to confirm the absence of nesting birds. If nests are found no works shall be undertaken until the birds have fledged and a buffer zone of at least 5 metres must be established around the nest and an effective barrier put in place to ensure this remains undisturbed

Reason: To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and the NPPF.

Parking Provision

Prior to the first use of the development the parking facilities, including the electrical charging facilities and disabled parking, hereby approved shall have been provided in full unless a phasing plan for the provision has been submitted and

approved pursuant to this condition, in which case they shall be provided in accordance with the phasing plan, including the provision of the demarked disabled spaces, demarked visitor spaces, and identified electric charging facilities. These elements shall thereafter be retained as parking facilities for the exclusive use of the development for the life of the development.

Reason: To secure an appropriate form of development in accordance with Policy TA3 of the Torbay Local Plan 2012-2030.

Cycle Provision

Prior to the first occupation of the apartment building the cycle storage facilities, as detailed within the approved plans, shall be completed and made available for the purpose of cycle storage to serve the development. Once provided, the storage arrangements shall be retained for the life of the development for such purposes.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and TA3 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan 2012-2030.

Refuse and Recycling

Prior to the occupation of any dwelling hereby approved, the refuse and recycling facilities shown on the approved plans shall be provided. Once provided the storage arrangements shall be retained for the life of the development.

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

Waste Management Plan for the Apartments

Prior to the first occupation of the apartment building a Waste Management Plan for the building, setting out recycling and waste collections methods which follow the waste hierarchy to ensure locally established recycling targets at the that time are met, together with measures to review and respond to evolving targets, shall be submitted to and approved in writing by the Local Planning Authority. The approved

WMP shall be implemented prior to the first occupation of the building and maintained at all times thereafter as a working document and strategy for the lifetime of the development.

Reason: To ensure that the private waste collection strategy for the apartment building, which will not receive waste collection from the local authority due to the distance of the collection point from the adopted highway network, accords with locally established recycling rates, to accord with Policies W1 and W2 of the Torbay Local Plan.

External lighting

Prior to the first use of the development an external lighting plan, including security lighting, which seeks to ensure no undue impact upon adjacent occupiers or wildlife habitats, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall proceed in full accordance with the approved lighting plan and no additional external lighting shall be incorporated within the development during its lifetime.

Reasons: In order to protect visual amenity and the amenity of adjacent occupiers by maintaining a satisfactory form of development in accordance with Policies DE1, DE3 and NC1 of the Torbay Local Plan 2012-2030.

Low Carbon Development

The construction of the development shall be carried out in strict accordance with the energy reduction measures proposed in the Energy Statement hereby approved and shall be maintained as such for the lifetime of the development.

Reason: In the interests of sustainable development and in accordance with Policies SS14 and ES1 of the Torbay Local Plan 2012-2030 and the NPPF.

Landscaping

Prior to the first occupation of the development a detailed hard and soft landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscaping plan shall include the following:

- Any areas of new planting/landscaping should consist of native wildlife attracting species of local provenance, with appropriate aftercare and management to ensure that these areas are maintained.
- Management of underutilised areas of amenity grassland should be altered to create a wildflower meadow with a more ecologically diverse sward, which will attract a greater variety of species to the site. This would comprise of allowing the appropriate areas of grassland to remain uncut from April until late August thereby allowing floral species to flower and set seed.

The approved hard surfacing shall be implemented prior to the first use of the development and the approved soft landscaping shall be implemented in full within the first planting season following the first occupation of the development, unless an alternative timetable for delivery is previously agreed in writing by the Local Planning Authority

In the event of failure of any trees/plants, planted in accordance with any approved scheme, to become established and to prosper for a period of 5 years from the date of the completion of implementation of that scheme, such trees/plants shall be replaced in the next planting season.

The landscaping shall be managed for the lifetime of the development in accordance with the approved landscaping scheme.

Reason: In the interests of visual amenity and in accordance with Policies DE1, SS8 and C4 of the Torbay Local Plan 2012-2030 and Policies THW4 and TH8 of the Torquay Neighbourhood Plan.

Materials

Prior to their installation details, including samples, of all external materials within the development shall be submitted to and approved in writing by the Local Planning

Authority. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such.

Details shall include the following:

- Brick type and colour
- Render type, finish and colour
- Roof tiles
- Fascias and bargeboards
- Rainwater goods
- Windows and doors, including materials, reveals, profiles and cills
- Balcony railings

Reason: To ensure an acceptable form of development in the interests of the character and appearance of Belgravia Conservation Area and the streetscene in accordance with Policies DE1 and SS10 of the Adopted Torbay Local Plan 2012-2030 and Policy TT2 of the Adopted Torquay Neighbourhood Plan 2012-2030.

Tree Protection Measures

Prior to the commencement of development the tree protection measures outlined in approved tree protection plan shall be implemented in full. The approved protection measures shall be maintained in full throughout the construction phase of the development.

Reason: In order to ensure against harm to mature trees within the vicinity of the development either directly or to their rooting system, in accordance with Policies DE1 and C4 of the Torbay Local Plan 2012-2030. These details are required to be implemented prior to commencement to ensure protection measures are in place prior to potential harmful construction works commencing on site.

Arboricultural Method Statement

Prior to the commencement of development an Arboricultural Method Statement (AMS) pertaining to but not exclusively excavation works in the RPA,

remedies for leaf litter deposition onto the property and cars, timings of site visits, shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in full accordance with the approved AMS.

Reason: In order to ensure against harm to mature trees within the vicinity of the development either directly or to their rooting system, in accordance with Policy C4 of the Torbay Local Plan 2012-2030. These details are required to be implemented prior to commencement to ensure protection measures are in place prior to potential harmful construction works commencing on site.

Accordance with energy statement

The development shall be undertaken in strict accordance with the approved energy statement at all times.

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

Levels

The development hereby approved shall be constructed in accordance with detailed drawings, which shall previously have been submitted to and approved by the Local Planning Authority, showing the datum level at which it is to be constructed in relation to an agreed fixed point or O.S. datum and the finished ridge level.

Reason: To enable the Local Planning Authority to fully assess the impact of the proposal and ensure a satisfactory form of development that is in keeping with the area, does not impact upon the neighbouring existing dwellings, and to ensure that the proposal accords with DE1 of the Torbay Local Plan 2012 to 2030.

Outdoor Recreation

Prior to the first occupation of the development hereby approved, the outdoor recreation spaces across the site shall be made available and accessible to all residents at all times.

Reason: In interests of amenity and in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030.

Informative(s)

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

Relevant Policies

SS3 - Presumption in favour of sustainable development

SS8 - Natural Environment

SS10 - Conservation and Historic Environment

SS11 - Sustainable Communities Strategy

SS12 - Housing

SS13 - Five Year Housing Land Supply

SS14 - Low Carbon Development and Adaptation to Climate Change

W1 - Waste management facilities

W2 - Waste audit for major and significant waste generating developments

W3 - Existing waste management facilities in Torbay

TA1 - Transport and accessibility

TA2 - Development access

TA3 – Parking Requirement

DE3 - Development Amenity

ER1 - Flood Risk

ER2 - Water Management

ES1 - Energy

C4 - Trees, hedgerows and natural landscape features

NC1 - Biodiversity and Geodiversity

H1 - Applications for new homes

H2 - Affordable Housing

DE3 - Development Amenity

SC1 - Healthy Bay

SC3 - Education, skills and local labour

HE1 – Listed Buildings

TS1 - Sustainable Development

TS4 - Support for Brownfield and Greenfield development

TH1 – Housing allocations

TH8 - Established architecture

TH9 - Parking facilities

TE5 - Protected species habitats and biodiversity

TH2 - Designing out crime

TTR2 - Sustainable Communities

THW3 – Community facilities

THW4 - Outside space provision

THW5 - Access to sustainable transport