

TORBAY COUNCIL

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| Application Site Address | 21 Old Mill Road Torquay TQ2 6AU |
| Proposal | Conversion of existing building into five houses, one flat and one maisonette, with demolition of existing classrooms to form four dwellings. Revision to approved Planning Application Nos. P/2019/0919 & P/2021/0550. |
| Application Number | P/2021/1215 |
| Applicant | Mr Mark Pratt - MDP Development South West Ltd |
| Agent | Mr Simon Blake - Charles Blake Associates |
| Date Application Valid | 03/11/2021 |
| Decision Due date | 02/02/2022 |
| Extension of Time Date | Not applicable. |
| Recommendation | Conditional approval subject to the conditions detailed below. Final drafting of conditions, and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Divisional Director responsible for Planning, Housing and Climate Emergency. |
| Reason for Referral to Planning Committee | The application has been referred to Planning Committee due it being of a major nature. |
| Planning Case Officer | Emily Elliott |

Location Plan:



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Site Details

The site is occupied by a 19th Century former school building, three temporary classrooms and associated car parking. There is an existing vehicular access to the site from Old Mill Road. The site area is 2,258 square metres in area and lies on the north-western side of Old Mill Road. The site is adjacent to, but not within, the Chelston Conservation Area. To the northwest of the site is a Christadelphian Hall and to the north is Sherwell Park. To the northeast of the site is a service lane that divides the site from the local amenities of Old Mill Road, Chelston Local Centre and residential accommodation. Similarly, to the southeast of the site, is Old Mill Road which divides the site from local amenities and residential accommodation.

The site is adjacent Chelston Local Centre as defined by Policy TC2 of the Torbay Local Plan. The site is within Flood Zone 1, which is a Critical Drainage Area.

Description of Development

The proposal seeks permission for the conversion of the former Cockington Primary School site into five houses, one flat and one maisonette, with demolition of existing classrooms to form four terraced dwellings.

The proposal includes individual private amenity spaces for all the residential units. The proposals would have vehicular access from Old Mill Road and would provide 16 on-site parking spaces. Works have started on site to implement an earlier planning permission.

Pre-Application Enquiry

DE/2018/0074: Redevelopment of existing school building to create 7 flats, with demolition of existing temporary classrooms and construction of 4 dwellings.

Relevant Planning Policy Context

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

Development Plan

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

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters

referred to in this report:

Relevant Planning History

P/2021/0550: Variation/Removal of conditions relating to application P/2019/0919. Conditions: P1 - Amended plans to replace approved plans for design variations, including reconfiguration of internal layouts; alterations to fenestration, use of single material and provision of additional rooflights; minor relocation (1m northwest) and stepping of levels in centre of Units 8-11; reconfiguration of landscaping to improve/provide additional private amenity spaces, replacement of some hard surfacing with soft landscaping, improvement of vehicle movements within car parking/turning area. Removal of Conditions: 01 - Landscaping, 02 - Boundary Treatment, 14 - Unit 7 Residential Environment. Approved 07/10/2021.

CN/2021/0026: Discharge of Conditions in relation to P/2019/0919: Condition 06 - Materials, Condition 07 - Designing Out Crime, Condition 16 - AMS. Approved 29/04/2021.

CN/2021/0007: Discharge of Condition relating to application P/2019/0919. Condition: 10 - Construction Method Statement. Approved 02/03/2021.

P/2019/0919: Conversion of existing building to create 7 flats. Demolition of existing classrooms to form 4 dwellings. Approved 04/02/2020.

Summary of Representations

The application was publicised through a site notice and neighbour notification letters. 1 letters of representation have been received.

Concerns include:

- Drainage
- Impact on local area
- Noise
- Privacy/overlooking
- Traffic and access
- Trees and wildlife

Summary of Consultation Responses

Torquay Neighbourhood Forum:

No response received.

Torbay Council's Drainage Engineer:

I can confirm that providing the surface water drainage is constructed in accordance with the submitted hydraulic design and drawings, I have no objections on drainage grounds to planning permission being granted for this development.

South West Water:

South West Water have no further comments beyond those already given.

Torbay Council's Senior Tree and Landscape Officer:

Satisfied with the Arboricultural Development Assessment.

Torbay Council's Senior Environmental Health Officer:

Just to confirm having reviewed the construction phase health and safety plan submitted by the applicant which covers issues including noise and dust and as such I have no objections to this application.

SWISCo's Waste Client Manager:

No objections.

Police Designing Out Crime Officer:

From a designing out crime, fear of crime and anti-social behaviour perspective I have no objections to the proposal. It is welcomed that the recommendations previously put forward by my colleague have been considered and implemented where practicable, as part of the planning phase. However, I request consideration is given to a full height gate being installed on the side access of unit 11 which goes to the rear garden, this gate ideally should be as close to the front building line as possible to prevent formation of a recessed space.

Torbay Council's Highways Engineer:

CAR AND CYCLE PARKING

As the type of development has changed within the revision of the planning submission, a new assessment of the car and cycle parking provision is required to be undertaken. Referencing the Torbay Local Plan (2012 – 2030) Appendix F Car Parking Standards, the applicant would be required to provide two car parking spaces per house, with one car parking space for flat/maisonette. This would now provide a requirement for 20 car parking spaces.

The applicant has not submitted an updated site layout plan as part of the revised application. The previously approved site layout (ref.4091-100-C) provided a total of 16 car parking spaces, which is a shortfall in provision of four spaces. The applicant will be required to provide car parking in accordance with standards outlined within the Torbay Local Plan (2012 – 2030) – Appendix F, or demonstrate as to why the current provision is adequate, to ensure that no overspill parking occurs on the local highway network. This is in the interest of highway safety. The applicant should also note that one space per house should accommodate electric vehicle charging facilities.

The cycle parking provision remains the same which is considered acceptable.

TRIP GENERATION

Due to the minor change in the type of development proposed it is considered that any increase in trip generation associated with the development proposals would result in a negligible impact upon the operation and capacity on the local highway network.

CONCLUSION

Based upon the information submitted at the time of writing, the highway authority is unable to provide a recommendation. The applicant will be required to provide the following information:

- Ensure that car parking provision is in accordance with the standards outlined within the Torbay Local Plan (2012 – 2030) Appendix F or demonstrate as to why the current provision is adequate. This should also include consideration for the provision of electric vehicle charging points.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of Development
2. Impact on the Character of the Area
3. Impact on Residential Amenity
4. Impact on Highway Safety
5. Ecology and Biodiversity
6. Flood Risk and Drainage
7. Affordable Housing Contributions
8. Designing Out Crime

1. Principle of Development

The proposal is for the conversion of the former Cockington Primary School site into five houses, one flat and one maisonette, with demolition of existing classrooms to form four terraced dwellings.

Policy H1 of the Local Plan states that proposals for new homes within Strategic Delivery Areas, and elsewhere within the built-up area, will be supported subject to consistency with other policies in the Local Plan. It is noted that the Council is currently falling short of its 5-year housing land supply and that the proposal would make a contribution to this shortfall being addressed. As the Council cannot demonstrate a 5 year housing land supply the tilted balance in favour of sustainable development is applicable as required by the National Planning Policy Framework (NPPF)

Paragraph 11 of the NPPF states:

Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 8: This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Policy TS4 of the Torquay Neighbourhood Plan states that development proposals for brownfield sites will be supported, providing there are no significant adverse impacts, having regard to other policies in the plan. It further advises that development of greenfield sites can have an adverse impact through the loss of green space, so will only be supported where it is an allocated site within the Neighbourhood Plan or the loss is required to meet the strategic economic policies within the Local Plan.

In the light of the broad aspirations of Policy H1 of the Local Plan and Policy TS4 of the Torquay Neighbourhood Plan, the principle of residential use on the site is considered acceptable, subject to broader policy considerations. It is noted that the site is well located for housing, in a sustainable location with good access to shops and other services, transport links and recreational areas, within an area currently of residential character. This context supports the principle of a residential use being acceptable.

It should also be noted that the site has previous permissions for residential development (planning references P/2019/0919 and P/2021/0550). It has been noted that there have been some inconsistencies between the layout and description of development with a previous permission.

2. Impact on Visual Character

Paragraph 126 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 134 states that 'development that is not well designed should be refused, especially where it fails to reflect local design and government guidance on design'.

Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy TH8 of the Neighbourhood Plan requires that developments be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

An objector has raised concerns in terms of impact on local area. Units 1-7 (5 dwellings, 1 flat and 1 maisonette) would all be accommodated within the former school building's existing envelope, with only minor alterations to its external appearance including additional rooflights. The new-build dwellings would replace the previous three temporary classrooms. The proposed new-build, terraced dwellings will provide a positive addition to the site. The side elevations of these dwellings contain openings instead of a blank façade, which assists in providing active frontages. It is considered that the proposed development provides a suitable and well-designed scheme to redevelop a vacant brownfield site.

The proposal is very similar to that of the previously approved schemes in terms of design, siting and scale. The existing main school building will be internally converted to provide new residential units. The existing dilapidated teaching huts within the car park area will be demolished to make way for a new terrace of four houses. A noticeable difference is the four terraced dwellings will be staggered slightly instead of having a continuous ridgeline. The scheme includes removing the existing roof slates from the former school building and replacing them with new Mocha 100 Prime Spanish blue-black natural slates with red clay ridge tiles. The proposed extension to the former school building will be finished in red face brickwork with buff brick detailing to heads/cills and plinth. The existing cill levels to be lowered with stone cills retained and relocated at lower level. The installation of velux conservation style rooflights with central glazing bars. Replacement and new windows to be double-glazed, black uPVC and black uPVC gutters, downpipes and hoppers. Front doors to all units to be insulated composite doors with black uPVC French doors to rear of properties. The original scheme of 2019 sought new uPVC cottage style windows in white. It is considered that white openings are more appropriate than black, therefore it is recommended a planning condition is conditioned to secure such.

The proposed terraced dwellings sit subservient to the former school building and are of a scale and design similar to those in the immediate locality. The terraced dwellings oppose the former school building's main frontage with all having front gardens and a communal path. The surrounding area is characterised by residential and commercial properties, particularly this part of Old Mill Road seeks commercial use to the ground floor and residential units to the first floor and some roofscapes. It is considered that the proposals to the former school building do not detract from its historic form, with its minorly adjusted footprint given the proposed side extension and its general massing.

A planning condition is recommended to secure adherence to the proposed external materials. Given the proposal's siting, scale, and design, it is considered to be acceptable and without unacceptable detriment to the character and appearance of the locality or street scene in accordance with Policy DE1 of the Local Plan, Policy TH8 of the Torquay Neighbourhood Plan, and the guidance contained in the NPPF. The site is adjacent to, but not within, the Chelston Conservation Area and it is considered that the proposed development will preserve the character and appearance of the conservation area.

3. Impact on Residential Amenity

Policy DE3 of the Local Plan states that development proposals should be designed to provide a good level of amenity for future residents and will be assessed in terms of the impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution, provision of useable amenity space, and an adequate internal living space.

Internal Living Space

Policy DE3 of the Local Plan requires that new residential units provide adequate internal floor space in order to achieve a pleasant and healthy environment. The Neighbourhood Plan is largely silent on the matter of amenity. The NPPF guides that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy DE3 sets out the minimum floor space standards for new dwellings and apartments. The proposed residential units comply with the minimum floor space requirements. Therefore, the proposed residential accommodation is considered to comply with Policy DE3 of the Local Plan.

External Amenity Space

Policy THW4 of the Torquay Neighbourhood Plan states that all new houses shall have not less than 20 square metres of outside space and must have garden areas with not less than 10 square metres of space suitable for growing plants or the equivalent allocated communal growing space within an easy walk. Flats or apartments must have either a balcony of not less than 10 square metres and as appropriate to the size of the home or a communal green area of not less than 10 square metres per unit within the curtilage of the property. The proposed layout provides an external amenity space for each residential unit that meet such standards. The site also benefits from being within close proximity to Sherwell Park. The proposal is considered to comply with Policy THW4 of the Torquay Neighbourhood Plan.

Daylight

Each of the habitable rooms proposed within the dwelling are served by sufficient window openings to allow for sufficient outlook and light and as such is considered to offer a good standard of internal amenity for future occupiers. Given the differences in finished floor levels, it is considered that the proposed openings between the proposed residential units will not provide direct intervisibility between habitable rooms. More generally in terms of the finished development the residential use aligns with the residential uses nearby and the additional dwellings would not result in undue noise or general disturbance for existing occupiers in the area.

To ensure the amenity of the occupiers of Unit 7 are protected, a planter to screen the car parking area has been proposed to prevent headlight intrusion and nuisance from other occupiers of the development.

An objector has raised concerns in terms of noise and privacy/overlooking. Given the proposal's siting, design and orientation in relation to adjacent neighbours it is considered that the proposed development would not have a detrimental impact on the amenity of neighbours, in terms of overlooking their outlook, privacy, or access to natural light.

The proposal includes the proposed boundary treatments of the site, which is considered to provide an acceptable level of privacy to be maintained between future occupiers and also adjacent neighbours, however the timber hit-and-miss fencing is not considered to be an appropriate use of material for the bin storage area and the boundary of Unit 11, therefore a planning condition is recommended to secure appropriate materials and install the boundary treatments prior to the occupation of the development. The proposal is considered to be in accordance with Policy DE3 of the Local Plan.

The proposed development is some 35-45 metres from the nearest residential curtilages. The Council's Senior Environmental Health Officer has been consulted on this application and raises no objections, subject to compliance with the construction method statement. Given its siting, scale, and design of the proposals, it is considered that the proposals would not result in any unacceptable harm to the amenities (including relating to issues of noise) of neighbours.

The proposal is considered to accord with Policy DE3 of the Local Plan.

4. Impact on Highway Safety

Policy DE3 of the Local Plan specifies that new development proposals should have satisfactory provision for off-road motor vehicle parking, bicycles and storage of containers for waste and recycling. Policy TA1 sets out promoting improvements to road safety. Policy TA2 of the Local Plan states all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development.

Policy TA3 of the Local Plan details that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development. Policy TH9 of the Torquay Neighbourhood Plan states 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. Policy TH9 goes on to state that new major developments must contribute to better pedestrian/cycle links where possible and encourage modal shift towards active travel.

An objector has raised concerns regarding traffic and access. The proposal alters the existing vehicular access from Old Mill Road and provides easier access to the proposed parking court. The proposal includes 16 on-site parking spaces, such as that of previous approvals. Local Plan policy guidance states that the proposed development should provide one off-street parking space per apartment and two off-street parking spaces per dwelling, totalling 20 off-street parking spaces, plus an additional parking space for visitors. There is a deficit of 5 parking spaces, however it is considered that the site is in a sufficiently sustainable location as it is on the edge of the Local Centre and is in close proximity to local amenities and public transportation links to mitigate the insufficient onsite parking provision. The proposal also includes 20 bicycle storage spaces, which would be policy compliant for 2 spaces per dwelling and 1 space per apartment.

The Local Highway Authority consider that due to the minor change in the type of development proposed it is considered that any increase in trip generation associated with the development proposals would result in a negligible impact upon the operation and capacity on the local highway network.

Policy W1 of the Local Plan states that as a minimum, all developments should make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated and with particular reference to residential developments, they should provide adequate space within the curtilage for waste and accessible kerbside recycle bins and boxes. The proposal provides bin storage, SWISCo's Waste Client Manager is satisfied with the proposals for waste and recycling storage and collection. Compliance conditions are recommended to secure the bin and bicycle storage and parking provision. On balance, it is considered that the proposal would have an acceptable impact in terms of highway safety, and would comply with Policies TA1, TA2 and TA3 of the Local Plan and Policy TH9 of the Torquay Neighbourhood Plan.

5. Impact on Ecology

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale. Policy TE5 of the Torquay Neighbourhood Plan cites that where there may be an impact development should be accompanied by an assessment of impacts upon any existing protected

species or habitats and as necessary provide mitigating arrangements in order to protect and enhance those species and habitats. Guidance within the NPPF provides similar guidance to the above in that planning decisions should contribute to and enhance the natural and local environment and includes guidance towards minimising impacts on and providing net gains for biodiversity (Paragraph 174).

The application is supported by a Protected Species Assessment. An objector has raised concerns in terms of trees and wildlife. The report states that the buildings were carefully checked and no evidence of current or recent use by bats was found. The report also states that no evidence of nesting birds was found within/on the buildings and that the grounds do not have any trees, shrubs or other dense cover suitable for nesting. The report states that there is a small area of rough grassland on the southern boundary does not provide habitat suitable for any specially protected species; this includes slow-worms as the area is too small to support a resident population. The report concludes that there is no requirement for further survey work. The report provides mitigation measures and biodiversity net gain requirements, which are recommended to be secured by planning condition.

Policy C4 of the Local Plan states that development will not be permitted when it would seriously harm, either directly or indirectly, protected trees or veteran trees, hedgerows, ancient woodlands or other natural features of significant landscape, historic or nature conservation value. Policy C4 goes on to state that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity role.

The application is supported by a tree report, a tree survey, a tree protection plan and an arboricultural assessment. The Council's Senior Tree and Landscape Officer confirms the proposal development is sustainable from an arboricultural perspective subject to planning conditions for compliance to the documents and proposed landscaping plan.

Having considered the submitted assessments, subject to the aforementioned planning conditions, as suggested, the development is considered acceptable on ecological and biodiversity grounds for the reasons stated above, in-line with the aspirations of Policies NC1 and C4 of the Local Plan, Policy TE5 of the Torquay Neighbourhood Plan, and advice contained within the NPPF.

6. Impact on Flood Risk and Drainage

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere.

The site is located within the Critical Drainage Area and the application is accompanied by a Flood Risk Assessment. An objector has raised concerns regarding drainage. The Council's Drainage Engineer has been consulted on the scheme and has stated that the hydraulic modelling confirms that the surface water system as designed will not result in a flood risk to properties on the site or any increased risk of flooding to properties or land adjacent to the site for the critical 1 in 100 year storm event plus 40% for climate change. The Council's Drainage Engineer raises no objections on drainage grounds to planning permission being granted, subject to a planning condition to secure the surface water drainage.

7. Affordable Housing Contributions

The proposal falls below the threshold for affordable housing contributions as outlined in Policy H2 of the Local Plan which seeks affordable housing contributions on brownfield sites of fifteen dwellings or more.

8. Designing Out Crime

Policy SS11 of the Local Plan seeks that development proposals should help to reduce and prevent crime and the fear of crime whilst designing out opportunities for crime, antisocial behaviour, disorder and community conflict. Policy TH2 of the Torquay Neighbourhood Plan states that new development should provide for a safe environment and consider opportunities to prevent crime or the fear of crime from undermining quality of life or community cohesion.

The Police Designing-Out Crime Officer has been consulted and is satisfied with the designing out crime measures to prevent opportunities for crime and anti-social behaviour. Officers recommend the use of a planning condition to secure the scheme of crime prevention measures. Subject to the use of this condition, the proposal is considered to be in accordance with Policy SS11 of the Local Plan, and TH2 of the Torquay Neighbourhood Plan.

9. Low Carbon Development

Policy SS14 of the Local Plan seeks major development to minimise carbon emissions and the use of natural resources, which includes the consideration of construction methods and materials. Policy ES1 of the Local Plan states that the Local Plan will seek to ensure that carbon emissions associated with energy use from new and existing buildings (space heating, cooling, lighting and other energy consumption) are limited. All major development proposals should make it clear how low-carbon design has been achieved, and how the following sequential energy hierarchy has been applied in doing so. Proposals should identify ways in which the development will maximise opportunities to achieve the following:

1. Conserve energy by reducing energy demand through siting and design. This includes the use of building orientation, layout and landscaping to optimise solar gain, ventilation and cooling;
2. Use energy efficiently within the fabric of the building;

3. Incorporate the use of decentralised heat, cooling and power systems; and
4. Use on-site or near-site renewable technologies to achieve further reductions in carbon emissions.

An update will be provided to Members at Planning Committee.

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 additional housing. Given the NPPF priority to significantly boost the supply of housing, the residential units to be provided must carry significant weight in this balance.

The provision of housing would provide an appropriate use and offer units within a sustainable location.

On balance, the social impacts of the development weigh in favour of the development.

The Environmental Role

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

The environmental benefits identified are marginal in the case of any biodiversity net gain, where it is proposed to require enhancement measures through condition.

The proposal will include bicycle storage, and the proposed development is in a sustainable location inasmuch as 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 or slightly positively within the planning balance.

Sustainability Conclusion

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

Statement on Human Rights and Equalities Issues

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

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

Local Finance Considerations

S106:

Not applicable.

CIL:

The land is situated in Charging Zone 2 in the Council's CIL Charging Schedule; this means that all new floorspace will be charged at a rate of £70/sqm. An informative can be imposed, should consent be granted, to explain the applicant's/developer's/landowner's obligations under the CIL Regulations.

EIA/HRA

EIA:

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

HRA:

Not applicable.

Planning Balance

This report gives consideration to the key planning issues, the merits of the proposal and development plan policies. It is concluded that whilst the proposal has a substandard level of on-site parking, when considering the planning balance the public benefit outweighs such harm. Therefore, on balance the proposal is considered to be acceptable having regard to the Development Plan taken as a whole.

Conclusions and Reasons for Decision

The proposal is 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 provide acceptable arrangements in relation to access, flood risk, and ecological constraints. On balance, the proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

Officer Recommendation

That planning permission is granted, subject to the conditions detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director for Planning, Housing and Climate Emergency.

Conditions

Landscaping

Landscaping shall take place in accordance with the approved scheme on plan reference 748-02 E (Planting plan) received 3rd November 2021 within the first planting season following the substantial completion of, or occupation of the development, whichever is the sooner, and shall be provided in full and retained for the life of the development. All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species. The approved hard landscaping details shall be provided within 8 weeks of the development being brought into use, and shall be retained for the life of the development.

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

Boundary Treatments

Notwithstanding the details shown on the approved plans, prior to the first occupation of the development hereby permitted, a full scheme of boundary treatments including the bin storage enclosure shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the approved details shall be provided in full prior to first occupation and retained for the life of the development.

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

Hedgerow, Tree and Shrub Removal

No removal of hedgerows, trees or shrubs shall take place between 1st March and 30th September inclusive in any given year, unless prior to the commencement of works a detailed biodiversity survey by a competent ecologist has been submitted to and approved in writing by the Local Planning Authority. The survey shall include the details of the check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on the site. The development shall then be carried out in accordance with the details submitted.

Reason: In the interests of protected species and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

Permitted Development Rights

Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development of the types described in Schedule 2, Part 1 Classes A, B, C, D, E, F and G and Part 2 Class A in relation to the dwellinghouses hereby approved shall be constructed without the prior written consent of the Local Planning Authority.

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

Ecological Report

The development shall proceed, and shall be retained thereafter, in full accordance with the approved ecological report (plan reference 'P2021-1215-6 (Protected Species Assessment)' received 3rd November 2021) hereby approved, including the outlined recommendations and ecological enhancements.

Reason: To ensure that the development proceeds in an appropriate manner, in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

Materials

The development shall be constructed in accordance with the approved materials details (plan references '4091-103 A (General Arrangement)', '4091-104 A (Units 8-11)' and '4091 MATERIALS 01 (Brick & Roof Slate)' received 3rd November 2021), and shall be retained as such for the life of the development.

Reason: To ensure an acceptable form of development in the interests of the character and appearance of locality and the streetscene in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030.

Fascia and Bargeboard Details

Prior to the occupation of the development hereby approved, detailed drawings of fascias and bargeboards including the materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in full accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure an acceptable form of development in the interests of the character and appearance of the locality in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030.

Window and Door Details

Notwithstanding the approved plans, prior to the installation of new windows and doors, the following shall be submitted to and approved in writing by the Local Planning Authority, which seek to respond to the positive aspects of the local prevailing character of the area:

- Materials and finish
- Sections at a scale of 1:1 and elevations at a scale of 1:10, of all new windows and doors
- Reveal sections, drawn to a scale of 1:1-1:10

- Sill sections, drawn to a scale of 1:1-1:10

The development shall then proceed in full accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure an acceptable form of development in the interests of the character and appearance of the locality in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030.

Designing Out Crime

Prior to the first use of the development hereby approved, the development shall be carried out in strict accordance with the designing out crime measures approved. The approved measures shall be permanently retained for the lifetime of the development.

Reason: In the interests of amenity and preventing opportunities for criminal activity, in accordance with Policies DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030 and Policy TH2 of the Adopted Torquay Neighbourhood Plan 2012-2030.

Parking Provision

The development hereby approved shall not be occupied or brought into use until the parking spaces and manoeuvring area detailed on the plan reference "Proposed Layout" (plan reference '748-01 C (Hardworks)' received 3rd November 2021) have been provided. These elements shall thereafter be retained for the use of the associated dwellings for the life of the development.

Reason: In accordance with highway safety and amenity, and in accordance with Policy TA3 of the Adopted Torbay Local Plan 2012-2030 and Policy TH9 of the Adopted Torquay Neighbourhood Plan 2012-2030.

Electric Charging Points

Prior to the occupation of the development hereby approved, a scheme for the insertion of one electrical charging point per dwelling to be located within the site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include design, location, specification and a timescale for insertion prior to occupation. The agreed electrical charging point shall be thereafter maintained and retained for the lifetime of the development.

Reason: To ensure the parking provision of the new residential units in accordance with the requirements of Planning Policy TA1, TA3 and Appendix F of the Adopted

Torbay Local Plan 2012-2030 and Policy TH9 of the Adopted Torquay Neighbourhood Plan 2012-2030.

Construction Method Statement

The development hereby approved shall be carried out in strict accordance with the approved Construction Method Statement (plan reference 'P2021-1215-2 (Construction Phase Plan)' received 3rd November 2021).

Reason: In the interest of residential amenity of the locality and in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

Refuse Storage

Notwithstanding the bin storage shown on the approved plans in particular the materials shown, prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details including elevational drawings and material details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once provided, the agreed 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 Adopted Torbay Local Plan 2012-2030.

Bicycle Storage

Prior to the first occupation of the development hereby permitted, the approved bicycle storage on plan reference '748-01 C (Hardworks)' received 3rd November 2021, shall be provided in full and retained for the life of the development.

Reason: To ensure adequate parking facilities are provided to serve the development in accordance with Policies TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030.

Drainage

The development shall be undertaken in strict accordance with the approved drainage details and retained as such at all times thereafter.

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

Arboricultural Method Statement

The development hereby approved shall be carried out in strict accordance with the approved Arboricultural Method Statement.

Reason: In accordance with the submitted details and to protect trees in the interests of visual amenity in accordance with Policy DE1 and C4 of the Adopted Torbay Local Plan 2012-2030.

Low Carbon Development

Prior to development continuing above slab level, details of how the development meets the Council's objectives set out in Policy SS14 regarding low carbon development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details, and shall be retained as such for the life of the development.

Reason: In interests of low carbon development and in accordance with Policy SS14 of the Adopted Torbay Local Plan 2012-2030.

Informative(s)

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

All bats are protected by law. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Where works are to involve cutting or clearance of shrubs, hedges or other vegetation, which can form nesting sites for birds, such operations should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any year). Schemes must be in place to avoid threat of killing or injuring reptiles, such as slow worms. Slow worms may shelter beneath vegetation as well as among

any stored or discarded sheeting, building and other materials. Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

Relevant Policies

- C4 – Trees, Hedgerows and Natural Landscape Features
- DE1 – Design
- DE3 – Development Amenity
- ER1 – Flood Risk
- ER2 – Water Management
- H1 – Applications for New Homes
- H2 – Affordable Housing
- NC1 – Biodiversity and Geodiversity
- SS3 – Presumption In Favour Of Sustainable Development
- SS11 – Sustainable Communities
- TA1 – Transport and Accessibility
- TA2 – Development Access
- TA3 – Parking Requirements
- TE5 – Protected Species Habitats and Biodiversity
- TH2 – Designing Out Crime
- TH8 – Established Architecture
- TH9 – Parking Facilities
- THW4 – Outside Space Provision
- TS4 – Support for Brownfield and Greenfield Development