

**Application Number**

P/2012/1351

**Site Address**Land At Yannons Farm  
Off Brixham Road  
Paignton  
Torbay**Case Officer**

Mr John Burton

**Ward**

Blatchcombe

**Description**

Approval of reserved matters (scale, appearance, layout, access and landscaping) for 56 dwellings (Phase B)

**Executive Summary/Key Outcomes**

The following items were reserved for future determination when the outline consent was approved - access, appearance, landscaping, layout and scale. This application now provides these details in respect of the first phase of residential development on the site (referred to as Phase B). Following minor revisions and subject to the submission of the revised plans, the detailed information provided is considered to be acceptable for planning approval.

There is a need for new housing in Torbay and this proposal provides a complete mix of types and sizes. It has been interspersed with good landscaping, particularly on the high ridge of the southern boundary. Parking is provided to standard. The proposal provides a good template for rolling out the other phases of development that have yet to be submitted.

**Recommendation**

The reserved matters are recommended for approval, subject to the receipt of the revised detailed plans as discussed with the applicants, pursuant to condition 1 on the outline consent (P/2010/0289/OA)

**Statutory Determination Period**

This is a 13 week application for which the decision due date is 21st March 2013. It is important that a decision is made before this date in this case, as a 13 week decision has been programmed for this application.

**Site Details**

The proposal site is part of a wider area of open land known as Yannons Farm, situated to the west of the main Brixham Road in Paignton. The site as a whole rises towards the south west with land beyond the ridge to the west being

designated as an Area of Great Landscape Value (AGLV). To the north of the site is the existing Sainsbury's superstore off Brixham Road, and to the south of the site lies South Devon College and the former Nortel employment site.

### **Detailed Proposals**

The application site is part of a wider development site that was granted outline planning permission in 2010 for a mixed use development of approx. 220 dwellings, approx. 5,600 Sq. M. gross of employment (B1) floorspace, local centre and public open space with roads and car parking.

It is the Developer's intention to build the permission in phases, for which a detailed permission and application for Matters Reserved will need to be obtained. This application represents the first stage of that process and deals with land approved (in outline) for residential purposes to the rear of the Torbay Garden centre. In seeking consent for those matters reserved, the applicant is seeking a discharge of condition 1 (standard outline condition seeking approval to matters reserved) of the outline consent P/2010/0289.

On this basis, the applicant is now seeking a reserved matters approval for access, appearance, landscaping, layout and scale. The submitted plans show 56 dwellings, with car parking, some integral, some curtilage and some in parking courtyards. There is a mixture of 2, 3 and 4 bed properties, with 38 units being semi-detached properties, 16 terraced properties and two detached properties. Access to the new housing development is proposed via the approved junction (Ref: P/2007/1421) now nearing completion on Brixham Road.

### **Relevant Planning History**

P/2012/1361	Non material amendment to condition 3 to application P/2010/0289/MOA - Layout, concurrent application not as yet determined.
P/2012/1246	Non material amendment to condition 4 of application P/2010/0289/MOA to allow for a phased submission of drainage details, application approved February 2013.
P/2012/1156	Variation of condition 11 to application P/2010/0289/MOA - wording to tree condition to allow for a phased submission of tree protection measures to correlate with each stage of the development. Application approved.
P/2012/1104/RM	Landscaping reserved matters for a 6257 sq. m. Pharmaceutical Manufacturing Unit (Use Class B1). Application approved 28th January 2013
P/2012/0815	Phase 2 road layout. Approved
P/2012/0705	Implement permission P/2010/0289/MOA without compliance to condition 13 - bat roost. Approved.
P/2012/0633	Approval of all reserved matters for a 6257 sq. m. Pharmaceutical Manufacturing Unit (use class B1) with

- P/2010/0289 associated external buildings. Approved Mixed use development to form approx. 220 dwellings, approx. 5,600 sq. m. gross of employment (B1) floorspace, local centre and public open space with roads and car parking (In Outline) as a departure from the Torbay Local Plan. Approved 4th October 2011.
- P/2007/1421 Junction Improvements and Formation of New Access to Facilitate access to Land to the West (Resubmission of P/2006/0678). Approved 14th November 2008

Relevant history on adjacent site (Parkbay Garden Centre / Holly Gruit):

- P/2009/1287 Residential development to form approx. 95 dwellings with associated vehicle/pedestrian access, roads; footpaths (In Outline). Approved by Members at the committee meeting of 19 April, 2010 subject to conditions and a s106 legal agreement.

### **Relevant Policies**

National Planning Policy Framework (March 2012).

Saved Adopted Torbay Local Plan (1995-2011)

- HS Housing strategy
- H6 Affordable housing on unidentified sites
- H9 Layout, design and community aspects
- H10 Housing densities
- H11 Open space requirements for new housing
- BES Built Environment Strategy
- BE1 Design of New Development
- BE2 Landscaping and design
- T2 Transport hierarchy
- T25 Car parking in new development
- T26 Access from development onto the highway
- L8 Protection of hedgerows, woodlands and other natural landscape features
- L9 Planting and retention of trees
- L10 Major development and landscaping
- EPS Environmental protection strategy
- EP1 Energy efficient design

Adjacent land designations

- L2 Area of Great Landscape Value (AGLV)
- L4 Countryside Zone

## **Summary Of Consultation Responses**

*Devon and Cornwall Constabulary:* (Architectural Liaison Division): Their comments are based on crime and anti-social behaviour issues only. They confirm that the development will be built to achieve part 2 'Secured by Design' compliance. However, the officer does not like the footpaths providing access to rears of properties, e.g. at plots 44 - 46 and 54 - 55. Gating would help prevent crime. Car parking areas e.g. to the east of plot 30 and behind plot are not well overlooked. Gable ended windows and trellis topped boundaries would improve surveillance. Planting e.g. along footpaths should not restrict surveillance opportunities. Boundaries to defensible spaces at the fronts should be kept low. Where gabion walls are proposed the stones should be large enough so they cannot be pulled through the mesh and used to for criminal acts. Full details are reproduced at page P.200.

*South Hams District Council:* No comments on the reserved matters.

*Service Manager Drainage & Structures:* Needs further trial holes and infiltration tests to confirm that the ground conditions are suitable for a S.U.D.S. scheme. Also needs further information on the design of the soakaways.

*Highways:* Has expressed some reservations about the middle road. The shown access/egress is not acceptable so close to the Parkbay junction, but if the road is bollarded off at this point (applicant's intention is to do so) then it will need a turning head not currently shown.

Negotiations are in hand and will be reported to Members.

*Arboricultural Officer:* Observations on the recent suggested amendments awaited, and will be reported to Members at the meeting.

*Landscape Officer:* Observations on the recent suggested amendments awaited, and will be reported to Members at the meeting.

## **Summary of Representations**

2 letters of representation have so far been received from the public and they raise the following issues of planning merit:

- Prefer to see shopping or leisure centre not a business park. (This concern seems to relate to the PMU part of the site and not the submission for detailed consent for the dwellings)
- Do not want to see too many buildings. Need more green and nature.
- "These additional 56 dwellings on top of the 300 about to be built would be an overdevelopment". (There appears to be some misunderstanding here as the 56

dwellings are not an additional amount but part of the 220 approved)

- Will lead to congestion. (Again this matter was dealt with in relation to the consideration of the outline application)

These are re-produced at Page P.200.

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

#### **Principle and Planning Policy -**

The principle of developing this land with housing rather than the industrial uses zoned in the Adopted Local Plan has already been tested in the 2010 outline application. Members have agreed that the principle of residential development would be acceptable, and that the proposal met the terms of the relevant policies within the Saved Adopted Torbay Local Plan.

Since that time the P.P.G.'s and P.P.S.'s have been replaced by the National Planning Policy Framework (March 2012). Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. It makes clear that proposed development which accords with an up-to-date Local Plan should be approved. However, it has introduced a presumption in favour of sustainable development. This application for approval and discharge of reserved matters and conditions will need to take on board the provisions of this new national policy framework.

The NPPF identifies three dimensions to sustainable development:

- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Officers consider that the proposals forming this application will meet these essential requirements.

### **Design/layout**

This application represents the first phase of the residential development at this site and it is proposed that this phase will give a 'blueprint' for the design and appearance of subsequent phases of residential development. This site slopes up from the North (the Sainsbury's end) to the higher ground at the South (by the college football pitches).

This first phase seeks detailed consent for 56 dwelling houses, some with integral or in-curtilage parking, others with shared facilities in designated parking courts. This phase is finished with a finger of shared parking and green open areas that will act as an environmental buffer between this phase and the next. The shared parking in this area is screened by pergolas to improve the 'green' credentials of this buffer zone. Officers consider this to be a good solution. The theory is to replicate these green fingers throughout the site in a north/south direction to give the development a more open and landscaped feel, as well as acting as green movement routes for pedestrians from the north of the site to the hill top park that will eventually be provided in the south.

The properties are shown as being a mixture of 2, 3 and 4 bed properties, with 38 units being semi-detached properties, 16 terraced properties and two detached properties. The larger properties have integral parking, the rest is either curtilage parking or using the parking courts. The dwellings are shown finished with a mixture of self coloured render, natural sandstone plinths (front elevation), self-coloured weatherboarding, grey UPVC windows, and artificial slate. These materials have been chosen following discussions with officers and they are now considered to be acceptable.

Full levels, finished floor levels, and proposed gradients are given. This is also required by condition 1 of outline consent P/2010/0289.

It is understood that there are no affordable houses in this phase. However, the delivery and phasing of affordable housing is controlled by the s106 that was signed in relation to the outline consent.

### **Landscape impact**

The outline approval established that the site was ideal for development in landscape terms due to it being surrounded by development on 3 sides and being immediately adjacent to the Brixham Road. However, it was considered important to ensure that the development is adequately screened from the adjacent AGLV and wider landscape views to the west.

This will become more important as the applications are lodged for later phases of development, as these will face out over the open countryside of the South Hams. The crucial point with this phase is the high ridge in the south. There is already some boundary planting at this point, and it is the developer's intention to make this more robust by the provision of additional structural tree planting of native species.

Details are provided of the species, the planting arrangements, spacing, tree pit details, protection and planting methods. The Council's Arboricultural Officer is currently checking the detail and his final views will be reported to Members. He has however been involved with the on-going negotiations and it is therefore expected that he will recommend approval to these details.

### **Highways Access**

The proposed development will be accessed off the main highway network via the approved cross road junction on the Brixham Road (A3022) opposite Roselands Drive which is currently under construction. A short access road leads off from this and then to a roundabout, beyond which this application site lays. This phase is located immediately to the south of the site's main access spine road, which runs approximately east-west. This spine road forms the northern and eastern boundary to this phase of development.

To the South of the spine road there are two access roads, the northern most of which will be bollarded off. Highways officers are currently concerned about this element of the scheme and resolution is being sought to ensure that highways safety is maintained.

The southern route will eventually give access to the hill top park and some general parking for this facility is included in this phase. The 'green-finger' at the end of this phase includes an in/out movement system for vehicles around a central landscaped square and parking area, so that delivery and waste collection vehicles can turn appropriately.

The Highway Engineer has expressed some reservation about the widths of this turning facility and his further views and final recommendations will be reported to Members. The Authority will need to ensure that the relevant s38 agreement is obtained guaranteeing that the roads are built to adoptable standards.

### **s106**

This was appropriately and entirely dealt with at the Outline stage and so there is nothing outstanding that requires any attention at this Reserved Matters Stage.

### **Sustainability**

The proposed development will provide additional housing within an area identified for development on the main arterial route between Paignton and Brixham. The approved junction scheme also includes a new bus stop proposed on the Brixham Road, however, there will be a need to improve existing bus routes and services in order to make the site sustainable in transport terms. The site is close to Roselands School and to the local supermarket at Sainsbury's and is within walking distance of both. The site is also sequentially preferable in flood risk terms to other sites, since it falls within flood risk zone 1.

It is considered that the development of this site for 56 dwellings together with the green and open spaces it contains is, therefore, a sustainable use of the land.

### **Conclusions**

The details of the access, appearance, landscaping, layout and scale for these 56 dwellings are considered to be acceptable to officers. It is therefore recommended that the reserved matters can be approved, subject to the receipt of revised detailed plans. The applicant will still need to ensure that other conditions on the outline consent are satisfied. This process has already begun with some conditions already having been discharged and others under negotiation.

### **Informative(s)**

01. The permission hereby approved gives reserved matters approval to the access, appearance, landscaping, layout and scale for these 56 dwellings (phase 1) only. The applicant is hereby reminded of the need to comply with all of the relevant conditions accompanying outline permission P/2010/0289, before development commences.

### **Relevant Policies**

-