

TORBAY COUNCIL

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| Application Site Address | 3 Keysfield Road, Paignton, TQ4 6EP |
| Proposal | Demolition of existing building and formation of 14 apartments. (Outline approval sought for Access, Appearance, Layout and Scale. Landscaping Reserved) (as revised by plans received 17.11.2022 and 19.12.2022, including revised description). |
| Application Number | P/2021/0808 |
| Applicant | Chace Construction |
| Agent | AD Architecture |
| Date Application Valid | 01.02.2022 |
| Decision Due date | 03.05.2022 |
| Extension of Time Date | 20.01.2023 |
| Recommendation | Approval |
| Reason for Referral to Planning Committee | Major development |
| Planning Case Officer | Scott Jones |

Location Plan –



Site Details

The site sits on the northern side of Keysfield Road in the largely residential area of Roundham in Paignton. The plot is spacious and tree-lined and holds a large detached Victorian Villa dating from 1870-1915. The Villa and the plot are in poor repair, the building appears inhabitable and shows external evidence of fire damage and the plot in general is unkempt.

The Villa is somewhat typical of its time with smooth stucco-rendered walls under a slate multi-pitched roof with some pleasant quoin, banding and window surround detail. The window stock is incomplete with some windows boarded and those that are visible are a mixture of timber sliding sash and more modern replacements.

The Villa sits towards the western side of the plot with a substantial garden setting to the north and east of the building. In terms of access there are two vehicular access points that punctuate the front boundary wall onto Keysfield Road.

In terms of context there is a mixture of Victorian and latter 20th Century development within the immediate surrounds, with a number of plots providing flatted residential uses, some of which are holiday uses.

In regard to designations the plot sits within the Roundham and Paignton Harbour Conservation Area and is highlighted as a '*Key Building of architectural importance or which make a significant contribution to the townscape*' within the Conservation Area Character Appraisal. There is also an Area Tree Preservation Order (Ref 1974:14) that covers the site.

In terms of further designations the site is within a Critical Drainage Area that covers most of Torbay.

Description of Development

The application is submitted in Outline however the proposal seeks detailed approval of all matters (Access, Layout, Scale and Appearance) except Landscaping, which is proposed to be sought through a subsequent reserved matters application should planning permission be granted. The application is hence substantially detailed for an outline application. The proposal principally seeks the demolition of the existing building/s and redevelopment of the site to provide 14 apartments in a single replacement building.

The submission of revised plans has reduced the number of units from 15 units to 14 units and presented several material alterations to the initial submission seeking to overcome matters raised.

The proposal now being considered presents a single apartment building with the principal rectangular element being 3-storeys plus a recessed roof storey, supplemented with 2-storey wings to either side towards the rear. The building is modern in character and form, seeking a modern interpretation of the Victorian villa form. Walls are rendered and punctuated by vertically emphasised windows and bay

features. The roof storey is recessed and finished in a grey standing seam finish. Doors and windows are grey Upvc.

In terms of layout the proposed building is to be in a similar position to the existing building in the site. Car parking is arranged to the front and side, with 16 spaces provided, 2 of which are disabled spaces, and gardens are retained and provided to the sides and rear as amenity space. Cycle storage and waste storage are proposed within a purpose-built outbuilding to the adjacent to the parking area. Vehicular access will be reduced from 2 points to a single central point.

The scheme will deliver 14 apartments, 7x 2-bed apartments and 7x 3-bed apartments.

The layout secures the retention of trees along the border with Keysfield Road and to the east of the plot.

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 "TLP")
- The Paignton Neighbourhood Plan (the "PNP")

Material Considerations

- Roundham and Paignton Harbour Conservation Area Appraisal
- 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.

Relevant Planning History

Pre-Application:

Recent pre-application in 2018 that raised concerns over the removal of the Villa and the resultant amount of development being proposed. There have also been a number of previous pre-applications within the past 15 years that have sought to remove the Villa and regenerate for residential purposes. The pre-applications were generally not supported.

Applications:

P/2019/0738: Outline application for the demolition of the existing building and formation of up to 24 apartments with parking, with all matters reserved except for access. Withdrawn following extensive officer discussions and concerns raised.

P/2020/0222: Outline application for partial demolition (rear wing) and the conversion and extension of the existing building to form 10 apartments (Access, Layout, Scale and Appearance Detailed, Landscaping Reserved). Approved.

Summary of Representations

A total of 16 public representations received, 15 support and 1 neutral, with summary of comments as below:

- Provides housing
- Removes an eyesore
- Desperately needs redeveloping
- Will hopefully stop antisocial behaviour experienced for years
- Good use of a brownfield site
- Good design – will enhance the road
- Great improvement and a real asset to the area
- Hope the development looks after wildlife

Summary of Consultation Responses

Paignton Neighbourhood Forum: No comment provided.

Historic England

Object.

No 3 Keysfield Road is a positive contributor to the significance of, and a key building within, the Paignton and Roundham Harbour Conservation Area. It typifies the building type of a historically significant phase of development of the area, whose nationally important character and appearance is slowly being eroded by the loss of the original buildings and introduction of alien architectural forms. As heritage assets are irreplaceable, its total loss through demolition would cause harm to the significance of the designation heritage asset (NPPF, Paragraph 189).

A consent exists for an extension and conversion of the building into ten apartments. This would be a less harmful solution to return the building into full use and therefore the harm brought about by its loss cannot be justified (NPPF, Paragraph 200).

The further information submitted consider that the deteriorating conditions of the site and the surrounding grounds should be taken into account in determining this application. We disagree with this statement as Paragraph 196 of the NPPF clearly states that 'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision'.

We acknowledge the poor conditions of the building and would remind your Authority of the statutory powers to serve a notice, under Section 215 of the Town and Country Planning Act (1990), to improve the appearance of the external grounds. At the same time, we would highly recommend engaging with the applicant in order to put in place the necessary measure to secure the building and prevent further deterioration of the structure.

Recommendation

In determining the application the authority should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Highway Authority

The Local Highway Authority do not have sufficient information regarding the proposals to make a decision regarding the acceptability of the proposals in respect to highways. The Applicant is still required to provide the following information:

- Further clarity regarding the proposed specific siting of the gate, and further information regarding the proposed operation of said gate.
- The Applicant is required to demonstrate that all proposed parking spaces can be accessed without excessive reversing.
- The Applicant is also required to demonstrate that a refuse vehicle can access the site without having to undertake excessive reversing.
- The Applicant is required to provide an updated Travel Plan which meets the previously outlined criterion.

(Officer comment: See Planning Officer Assessment for further detail on these matters)

Torbay Council Drainage Engineer

Providing the surface water drainage is constructed in accordance with the following documents, I have no objections on drainage grounds to planning permission being granted.

1. The site specific flood risk assessment addendum report dated 6th April 2020.
2. The surface water drainage layout drawing, number AT2400 01 revision A.
3. The surface water drainage hydraulic design included within the addendum to the site specific flood risk assessment.

Torbay Council Heritage Officer (Initial Scheme)

I have reviewed the submitted Architectural Assessment and Design and Access Statement and read Historic England's comments from 14 March 2022.

3 Keysfield Road is a non-designated heritage asset as identified within the Roundham and Paignton Harbour Appraisal and this also identifies it as a key building of architectural importance and a significant contributor to the townscape. Although the applicants submitted appraisal refers to the significance of the building, there is no identification around the potential for the building to be appropriately repaired and fully reused. This appears to be a key part of the methodology for clearly understanding the significance, balancing harm and identifying the public benefits of the scheme.

I am conscious that a number of other villas have been demolished in the vicinity and as such, they could be considered a finite resource. Demolition of the building would impact on the integrity, character and appearance of the Conservation Area, which is fundamental to its significance.

The building and gardens current condition do not justify demolition and redevelopment. These issues could be resolved through careful adaption and/or appropriate extension to the current building. The embodied carbon and retention of the building is a key consideration and part of the Council's commitment to a sustainable approach to development.

The proposed replacement building does feel at odds with the existing urban grain. I agree with Historic England's assessment of the proposal who considers the scale, massing, design and materiality of the proposal to conflict with the distinctive domestic architectural form and language of the conservation area.

In summary, I do not support the loss of the existing building or the proposed replacement for the reasons set out above.

Torbay Council Community Safety Team

Confirm no objection to the planning application.

Torbay Council Arboricultural Officer

The submitted information provides arboricultural support to the proposed development. The retention of the trees along the road is welcomed as is the acknowledgement of retaining the treed nature that is a characteristic of the Conservation Area. The impact of the 'no-dig' proposal is likely to be reduced owing to the existing tarmac layer providing for the parking on the site. Providing that there are no changes in levels at this point the no-dig solution should be viable.

The removal of the smaller trees to the rear is justified with the caveat of replanting to be carried out.

Conclusion: The site is sustainable from an arboricultural perspective.

Recommendations: A detailed arboricultural method statement for the 'no-dig' area is submitted and approved prior to commencement of works

South West Water

Asset Protection

No development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered. Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant.

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal.

Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site.

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable. Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

Police Designing Out Crime Officer

Having reviewed the documents and to save duplicating previous advice and recommendations please find attached copies of our initial response, the content of which remains valid, where relevant, and should still be considered in the decision-making process for the above.

It is welcomed that each dwelling will have a visitor door entry system with visual and audio facility, however it is not recommended that the system has a tradesperson button. As an observation it states under the physical protection section of the DAS that guidance will be sought from Secured By Design Homes 2016 v2, however this has been replaced by Secured By Design Homes 2019.

Independent Viability Assessor (William Lean Associates)

The purpose of the review is to consider if the previous application to convert and extend is a viable scheme that may address the deteriorated state of the building/site, and to review the viability of the current proposal.

The previous consent is not viable and is unlikely to be progressed. There is no profit and there are inherent risks and costs of dealing with a building with fire damage and apparent structural damage.

The proposed scheme shows profit and is likely to be deliverable with an acceptable profit margin for the developer.

Key Issues/Material Considerations

Planning Officer Assessment

1. Principle of Residential Development
2. Demolition, Design and Visual Impact (Including Heritage Impacts)
3. Residential Amenity
4. Parking, Movement and Impact on Highway Safety.
5. Ecology, Biodiversity and Trees
6. Drainage and Flood Risk
7. Low Carbon Development
8. Housing Supply

1. Principle of Residential Development

In terms of the principle of a residential use policy H1 of the Local Plan states that proposals for new homes within the built-up area (as is the case in this instance) will be supported subject to consistency with other policies in the Local Plan. In addition the principle of development is considered consistent with Policies SS11 (Sustainable

Communities) which supports proposals that regenerate or lead to the improvement of social, economic or environmental conditions, SS12 (Housing) which supports the delivery of 8900 new homes in the plan period, and SS13 (five year housing land supply).

In terms of the Neighbourhood Plan policy PNP1 includes that development proposals will be supported which provide housing growth appropriate to meet local needs and the strategic needs set out in the Torbay Local Plan 2015 (c), which bring back into use existing homes that have been vacant for 6 months or more (d), and provide additional homes by the conversions of existing buildings, more efficient use of vacant buildings in all use classes, self-build; and community-led housing enterprises wherever possible (e).

In terms of national policy guidance the principle of the proposal is aligned with the National Planning Policy Framework (NPPF), which support a sustainable pattern of housing provision with an emphasis upon the regeneration of brownfield sites, town centre sites and urban sites such as this one.

Considering the broad aspirations of the Development Plan policies cited above, and guidance contained within the NPPF, the principle of residential use on the site is considered supported in policy terms and acceptable, subject to wider policy considerations that are relevant. It is noted that the site is well located for housing as it is in a sustainable location that has good access to shops and other services, transport links and recreational areas, within an area that already has a residential character. It is also a vacant, derelict site with no purposeful use. The context supports the principle of a residential use being acceptable.

2. Demolition, Design and Visual Impact (Including Heritage Impacts)

The site is located within the Roundham and Paignton Harbour Conservation Area and the Conservation Area Character Appraisal identifies the Villa as a '*key building of architectural importance or which makes a significant contribution to the townscape*'. The street-facing boundary wall is also highlighted as a prominent wall and the Villa's main elevations (front and sides) are highlighted as largely unspoilt frontages retaining significant period detail, although obviously there has been some significant deterioration of the buildings' condition since the appraisal was undertaken.

Policy SS10 of the Local Plan requires development to sustain and enhance assets which make an important contribution to Torbay's built and natural setting, and furthers that all heritage assets should be conserved, proportionate to their importance. Policy DE1 seeks development to be well designed, respecting and enhancing Torbay's special qualities and the character of the natural built environment including areas and building of historic interest.

The policies cited above are aligned with guidance contained within the NPPF which promotes good design and also seeks local planning authorities in decision making to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities

including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Key considerations include whether the demolition and loss of the current building is acceptable when considering the heritage context, and if so whether the proposed building is of sufficient quality and design as a replacement building.

Demolition

As a key building in a Conservation Area the demolition and loss of the building is a central question to consider.

There is consistency in the advice from both Historic England and Councils' internal heritage advisor, in that the current building is considered a positive contributor to the significance of the Paignton and Roundham Harbour Conservation Area, which is a designated heritage asset. As a positive element within the Conservation Area the building is considered a non-designated heritage asset. There is also a consistent view within the heritage advice that the loss of original buildings in the Conservation Area has eroded the character of the area and the remaining ones are a finite resource and vitally important.

The central point of heritage advice is that heritage assets are irreplaceable and the buildings total loss through demolition would cause harm to the significance of the designation heritage asset, the Conservation Area. Historic England notes an existing consent for extension and conversion that would be a less harmful solution to return the building into full use, and therefore the harm brought about by its loss in this scheme cannot be justified. Historic England also disagree with the premise that the deteriorated state of the building should justify its removal, as the NPPF states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. They also note the mechanisms for tidying up the site available to the Authority.

The existence of an extant scheme that retains the villa is a key material consideration and, aligned with Historic England's position, it does on face value add weight to the case to resist the removal of the building. This issue has been raised with the applicant and the application is supported by a viability assessment that seeks to show that the previously consented "retention" scheme is not actually viable and will not come forward, and that the proposed scheme is a viable option that would come forward if consented.

The viability assessments have been reviewed by an independent 3rd party instructed by the Local Planning Authority, with the review undertaken to robustly conclude on the argument presented in support of the loss of the Villa. The review has agreed with the conclusions made, that the extant conversion scheme is not viable and is hence unlikely to come forward, and that the current scheme is a viable proposition.

Considering the conclusions of the viability review there is a danger that if not replaced the site and building would be left empty, deteriorate further, and continue to offer no beneficial use. It is reasonable to give some weight in favour of the current proposal in such a context. It is noted that Historic England has raised that the deteriorated

state should not be taken into account in determining this application, where they cite Paragraph 196 of the NPPF stating that '*Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision*'. In terms of neglect the site and building has clearly suffered from neglect and is clearly in a neglected state. The building has sat unused for many years and has been subject to fire damage during this period. However it is uncertain whether there has been deliberate neglect or damage as envisaged by the NPPF insomuch that the deteriorated state of the building should be disregarded within the heritage context.

As matters stand the removal of the building will present what is deemed to be less than substantial harm to the Conservation Area. In accordance with guidance contained within the NPPF within the decision-making process great weight should be given to the asset's conservation (Para 199). It is also recognised that the NPPF guides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Para 202). The removal of the Villa would cause its total loss as a non-designated heritage asset. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application in accordance with Para 203 of the NPPF, and in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

Considering it is not clear that there has been deliberate neglect so as to engage Paragraph 196 of the NPPF, the harm from the loss of the building should be considered aside there being no realistic prospect of the building being restored as a dwelling or redeveloped as part of a restoration scheme when considering the findings of the viability assessment accompanying the application. Under these circumstances and considering some moderate weight to the dwellings provided as part of a redevelopment scheme, subject to a replacement scheme presenting a neutral or positive impact on the Conservation Area, the demolition is considered acceptable. In accordance with Paragraph 204 of the NPPF reasonable steps should be taken to ensure any development proceeds after demolition occurs, which can be delivered via a planning condition for evidence of a contract for its redevelopment prior to the removal of the Villa.

Design and Visual Impact

The original submission for 15 units retained the general principles of the extant 2020 10-unit scheme but replaced the existing villa with a 'modern interpretation'. This presented a similar T shaped footprint but a far more unsatisfactory proposition generally. Whereas the renovation scheme presented a deferential rear wing to the retained villa, which maintained the primacy and character of the villa, the submitted scheme presented a T-shaped modern building that lost reference to the character of the current plot and buildings of merit within the wider Conservation Area, that of substantial (largely rectangular) buildings in large plots. In addition to this the elevation treatment was considered poorly resolved and, overall, the proposal was considered unacceptable in terms of its visual qualities. It was deemed to present a harmful

impact as a replacement building to the existing 'key building'. Historic England and the Council's heritage advisor offered comparable views that considered the scale, massing, design and materiality of the proposal to conflict with the distinctive domestic architectural form and language of the Conservation Area, considering it a very large and under-detailed development that would neither preserve nor enhance the character and appearance of the area.

Following discussions with the agent a revised scheme was submitted and re-advertised that sought to respond to the concerns raised.

The revised proposal removed the 3rd floor of the right-hand side rear wing, in order to present some clearer deference of the linear rear wing to the main building. This was in order to redefine a modern rectangular villa with extensions rather than a modern T shaped building. This resulted in the loss of one apartment and a reduction to 14 units in total now being considered. This amendment provides some balance to the scheme and reinforces the character of a large rectangular building akin to typical villas. In term of elevation treatment the previously bulky parapet has been reduced which removes the top-heavy feel to the previous scheme and exposes the roof element more. This is again more successful, and its success should be secured by ensuring a suitable material finish to the uppermost roof storey that presents it as a roof element. This can be secured by a planning condition for a sample of the standing seam cladding, to reflect the traditional slate. The elevation treatment through the principal elevations of the main element has been lifted with improved opening arrangement and the introduction of a far more successful interpretation of the historic bay details. The success of the bay details is aided by the drawings showing frameless glass, which should be secured by a planning condition to secure the necessary clean lines and a scheme of sufficient quality for the context. The proposal seeks grey Upvc doors and windows, and these could be acceptable provided they are well detailed, with slim frames and set in sufficiently deep reveals to add some depth to the elevations. Planning conditions can secure appropriate detail on these minor detailed elements.

When considering the proposal in the round the scheme is now considered adequately resolved. The loss of the current buildings intrinsic period character is unfortunate and would present some harm, however the revised scheme is sufficiently enhanced in terms of its scale, massing, design and materiality in order for the scheme to be considered acceptable in design and heritage terms, when considering the limited level of harm, there being no realistic prospect of the building being restored as a dwelling, or redeveloped as part of a restoration, together with the public benefits of securing a purposeful use for the site and delivery of housing. The scheme is hence considered acceptable in terms of its design and impact upon the character and appearance of the Conservation Area, and is therefore considered substantially in accordance with design and heritage policies contained within the Development Plan, principally policies SS10 and DE1 of the Torbay Local Plan and policy PNP1(c) of the Paignton Neighbourhood Plan, and guidance contained within the NPPF.

The above 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 pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

3. Residential Amenity

Policy DE3 of the Torbay Local Plan states that all development should be designed to provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding occupiers. The Paignton Neighbourhood Plan is largely silent on the matter of amenity other than referencing air, noise and light pollution (PNP1(c)). The NPPF guides (Para 127) 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.

In respect of future occupiers the internal living spaces are suitably scaled and exceed the minimum space standards outlined within Policy DE3 and are quite generously sized. The units also all benefit from adequate outlook and will receive adequate levels of natural lighting to key living spaces. Regarding outdoor amenity space certain apartments at ground floor level will benefit from the use of terraces or a courtyard/garden area, and more broadly the proposal retains a large garden for communal use. Upper floor units will also generally be supported by balconies or terrace space. The general provision will provide outdoor space that accords with and exceeds the expectations outlined within Policy DE3 where apartments should, where possible, be afforded 10sqm of outdoor space either privately or as part of a larger communal offering. In terms of the broader residential elements the occupiers will be provided with on-site parking, and designated cycle storage and waste storage facilities. These facilities complete what is considered to be a good standard of residential environment for future occupiers.

In respect of neighbouring amenity the replacement element for the Villa will not present any undue impact upon adjacent occupiers due to the established relationship and the distances to adjacent plots and properties.

The rear elevation will be within quite close proximity to the northern boundary but considering the tiered arrangement, and the arrangement of buildings and plots adjacent there would be no undue impact to light and outlook from the scale of the building. In regard to overlooking and loss of privacy the rear building line is between 6.5m-8m from the plots' boundary to the north, with the first floor building line recessing 1.5m and the upper floor building line a further 2m away from the border. To the north-west the adjacent plot has a parking area immediately adjacent and the nearest built element is around 12.5 metres from the joint border, this presents a distance of around 20m building to building. The plot appears to be in holiday use offering apartment accommodation. Considering the form of residential use, i.e. multi-unit use of the adjacent plot, and that the adjacent land is communal parking, the privacy of occupiers would not be unduly impacted as the building is adequately distanced and the immediate land adjacent is parking and communal in use. It should be noted that the landscape proposals are reserved for future consideration which may present the opportunity for some screen planting to soften the relationship. Turning to the plot to the north-east this appears to provide flats with communal gardens. The building is at an oblique angle with the nearest building line approximately 7 metres from the edge of the joint border. This presents an angled relationship of around 15m-16m between buildings. Due to the oblique angle loss of privacy from inter-looking is unlikely. Regarding overlooking into gardens the adjacent space is communal and hence the

impact of the development would be muted in such a context. Again as the landscaping is reserved for future consideration there is the ability to consider softening of the relationship with future planting.

In more general terms 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. The retention of the parking to the front helps retain the sides and rear of the plot as more tranquil areas devoid of vehicular noise and light-spill from headlights.

Finally in terms of the temporary impacts of the construction phase there will naturally be some short-term impacts, however such impacts are not unusual, and the effects can be limited through restricting hours of construction and agreeing processes to limit delivery and construction movement and parking impacts through the use of a planning condition.

To conclude, for the above reasons the proposed residential environment would appear adequate and the development would not unduly impact the level of amenity afforded neighbouring occupiers, which presents development that accords with Policies DE1 and DE3 of the Torbay Local Plan and guidance contained within the NPPF.

4. Parking, Movement and Impact on Highway Safety

Policy TA3 and Appendix F of The Local Plan provides key policy guidance for residential developments. Apartments have an expectation of 1 space each with some degree of visitor parking. There is also an appreciation that these standards can be reduced in more accessible and well-connected locations such as town centres. There is further advice on the provision of disabled parking and electric charging points.

The Paignton Neighbourhood Plan supports the provision of electric charging points where possible within policy PNP1(h).

The NPPF guides that in assessing 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.

In regard to access considerations the removal of the secondary access does not present a highway safety concern and presents some broader design benefits, detail of which should match the existing.

Regarding parking the proposal is considered compliant with the expectations outlined within the Torbay Local Plan. The development provides 16 spaces to serve 14

apartments which accords with the guidance of 1:1 parking whilst offering a more than adequate degree of visitor parking. Within the 16 spaces there are 2 disabled spaces, which accord with the expectation of 10% provision outlined within Appendix F of the Torbay Local Plan. It is noted that the proposal is silent on electric charging points and there is a policy expectation for 20% provision within the Torbay Local Plan, which is supported by policy guidance within the Paignton Neighbourhood Plan. Notwithstanding the proposal's silence on the matter this particular element can be secured by a planning condition.

In regard to sustainable modes of transport the proposal includes a designated cycle store that appears covered and secure, which is considered adequate. In terms of broader matters of sustainable transport the proposal has good pedestrian links to recreational areas, shops and services, and hence is considered well-located for residential purposes. Details of the materials and fully enclosed form of the cycle store should be secured by a planning condition.

In terms of concerns raised by the Highway Authority the ambition for a gated access has been removed and can be conditioned, to guard against vehicles waiting within the highway. In terms of access to the waste store the proposed layout is similar to that consented and is considered acceptable. In terms of access to parking spaces the arrangement is considered acceptable and swept paths have been provided to show that vehicles can turn within the areas adjacent and hence not require the reversing distances previously shown. Finally, a travel plan can be secured by a planning condition. Overall, the provision is considered adequate and well resolved.

Considering the points above, which conclude that the proposal offers an acceptable access and good levels of parking and cycle storage, the proposal is considered acceptable on highway and movements grounds, and in accordance with the Policies TA2 and TA3 of the Torbay Local Plan and guidance contained within the NPPF.

5. Ecology, Biodiversity & Trees

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

Policy PNP1(c) of the Paignton Neighbourhood Plan cites guidance on safeguarding biodiversity, securing bat and bird boxes, and protecting trees and providing hedgerows to aid biodiversity.

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 (Para 170).

The application is accompanied by an update (2022) ecological statement that supports the findings of the previously submitted ecological assessment (2019).

The update statement offers that the findings of the original ecology report are still valid as the site has not significantly altered since this survey was undertaken. The

building continues to be in a poor state of repair, with significant pigeon nesting throughout the first floor and loft areas. The buildings were found to have negligible suitability to support roosting bats. It was considered the proposals would have a negligible impact on bats and/or bat roosts due to the lack of features, and the site continues to provide some areas of habitat likely to support slow worms. No badger setts, latrines or signs were identified within the development site.

All matters considered the assessment does not identify any ecological reason why planning permission should not be granted. It is proposed to attach appropriate planning conditions to address the issues that are raised within the ecological assessment and to ensure protected species are duly considered through the clearance and construction phase and ongoing management of the site.

In regard to biodiversity the scheme again secures the retention of the key trees in the southern and eastern parts of the site adjacent to Keysfield Road and within the larger retained garden space. The retention of trees aids biodiversity goals and also aligns with policy guidance relating to the aspiration to retain trees of significance within the townscape. A planning condition is recommended to ensure the future landscaping reserved matters provides an appropriate biodiversity assessment and demonstrates a net gain include delivery of features within the build.

The Council's Arboricultural Officer is supportive of the current detail to retain the most important trees, with further consideration of the broader landscape proposal being deferred until the landscaping reserved matters is submitted.

Having considered the submitted assessment, subject to conditions to secure enhancement features and tree protection measures, 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 Torbay Local Plan, the Paignton Neighbourhood Plan, and advice contained within the NPPF.

6. Flood Risk and Drainage

The site sits in an area with a low risk (Flood Zone 1) of flooding, however it does sit within a Critical Drainage Area as designated by the Environment Agency.

Policies ER1 and ER2 of the Torbay Local Plan outline a hierarchical approach with an emphasis on sustainable urban drainage methods as the preferred option for ensuring that development proposals do not increase the risk of flooding. Policy PNP1(i) supports this position by stating that developments will be required to comply with all relevant drainage and flood risk policy. Furthering that proposals, which achieve more than sustainable drainage improvements and move beyond Sustainable Urban Drainage systems (SUDs) by keeping surface water out of the combined sewer network at source, are encouraged. The NPPF is also supportive with advice within Para. 163 citing that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

A Flood Risk Assessment has been submitted that confirms the scheme proposes a site-wide approach of a SUDS systems with soakaways within the eastern part of the site.

The Council's drainage engineer has considered the drainage detail has confirmed that providing the surface water drainage is constructed in accordance with the documents there is no objections on drainage grounds to planning permission being granted. The documents being the site specific flood risk assessment addendum report dated 6th April 2020, the surface water drainage layout drawing, number AT2400 01 revision A, and the surface water drainage hydraulic design included within the addendum to the site specific flood risk assessment.

The proposal is for the reasons above considered acceptable on flood risk and drainage grounds, in accordance with Policies ER1 and ER2 of the Torbay Local Plan, policy PNP1(i) of the Paignton Neighbourhood Plan, and advice contained within the NPPF.

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.

PNP1(f) of the Paignton Neighbourhood Plan states that new development should aim to achieve where appropriate and subject to viability, sustainable construction, water management technologies, and on-site renewables to achieve 20% of the resultant development energy requirement.

The application is supported by an Energy Statement. The statement is silent on construction aspirations but does explore opportunities for renewable energy production. The document and wider application does not however develop the assessment into a firm proposal towards how the scheme aims to reduce its carbon footprint.

In order to respond to policy aspirations it is considered positive and proactive to address this uncertainty through a planning condition attached to any grant of permission. This condition would be worded to secure details of construction aims to reduce carbon use, and details of renewables to address the expectations of PNP1(f), whereby 20% of its future energy consumption should be delivered on site if viable and achievable.

Subject to a robust condition the development would be considered suitable for approval, framing development to accord with Policies SS14 and ES1 of the Torbay Local Plan, PNP1(f) of the Paignton Neighbourhood Plan and advice contained within the NPPF.

8. Housing Supply

The Council cannot currently demonstrate a 3- or 5-year housing land supply, as sought by Government. The five-year supply position represents a significant shortfall

and must be treated as an important material consideration weighing in favour of the proposal.

Considering the housing supply position, it is advised that in determining the application, the presumption in favour of sustainable development at Paragraph 11 of the NPPF must be applied. Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development, which means approving development proposals that accord with an up-to-date development plan without delay, unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

It is concluded within this report that the development accords with the Development Plan when considered as a whole and hence there is support for the grant of permission, in-line with the guidance within the NPPF (Para 11). Were Members of a different judgment and were to consider the proposal to conflict with the Development Plan it should be noted that the absence of a 3- or 5-year housing supply principally sets a higher benchmark to resist development. In such a circumstance development should only be refused where any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits should the 'tilted balance' be applied.

Officer opinion is that any harm to the Conservation Area from the loss of the Villa, which is also a non-designated heritage asset, is not significant in combination with its replacement with the development proposed, and hence policies relating to heritage assets do not provide a clear reason for refusing the development proposed, and the 'tilted balance' is engaged.

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. The development would see the use of an empty site that has not been used for many years.

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 additional dwelling to be provided must carry significant weight in this balance.

The site has not been used for many years 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 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, biodiversity, heritage and drainage. These matters have been considered in detail in this report.

The environmental benefits identified are marginal in the case of any biodiversity net gain, where it is proposed to require enhancement measures through condition. Heritage impacts are slightly negative, drainage is positive with an enhanced surface water management over the current regime.

The proposal will include bicycle storage, and the proposed development is in a sustainable location, and 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.

Local Finance Considerations

S106:

Affordable Housing: Not applicable to this scale of development on a brownfield site.

CIL:

In terms of the Community Infrastructure Levy (CIL) new chargeable floor space will be liable. For sites of 4-14 dwellings within charging zone 2 the rate is £70 per square metre of new gross internal floor space.

The original submitted CIL form states that the development will provide 1398sqm of new floor space but has been reduced slightly due to a loss of a unit. Subject to due

diligence in terms of the existing floor space the development is expected to secure circa £92,000 in CIL payments.

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:

Due to the scale, nature and location this development will not have significant effects on the South Hams SAC or Lyme Bay and Torbay SAC and does not require a formal HRA.

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 positive impact overall and help with the supply of much needed housing. There is some minor discord in terms of heritage impacts however when considered in the round, is deemed to provide a proposal that is acceptable on balance.

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.

Proactive Working

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.

In this instance substantial amendments have been secured during the application to improve the design and visual qualities of the scheme. In addition the layout has been amended to provide a more satisfactory car parking arrangement in operational and visual impact terms. Officers conclude that this application is now acceptable for planning approval.

Conclusions and Reasons for Decision

Viability evidence demonstrates that the previously approved retention scheme is not viable and is hence unlikely to come forward. There is a danger that if not replaced the site and building would be left empty, deteriorate further, and continue to offer no beneficial use.

The design of the replacement building has been enhanced through the course of the application and is now deemed adequately resolved as a response to its context and a response to the harm from the loss of period buildings intrinsic historic character.

The recommendation balances harm and benefits and recognises that the NPPF guides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Para 202). It also considers the loss of the building as a non-designated heritage asset and the concerns raised by both Historic England and the Council's own conservation advisor.

The proposal would provide 14 units of accommodation on a brownfield site in a sustainable location, which are of good quality, providing a good standard of amenity for future occupiers. This would present a moderate public benefit and a purposeful use for a site that has sat empty for many years.

The scheme retains a garden setting and protects mature trees around the borders, which offer some general ecological and visual amenity benefits in terms of the verdant character of the area.

The access is considered acceptable and parking on site is in accordance with policy expectations.

There is also no risk of flooding of land or buildings adjacent as the sustainable urban drainage system is supported by the Council's specialist engineers.

In-line with the above conclusions and the detail contained within this report, the proposal is considered to be in overriding accordance with the provisions of the Development Plan. The NPPF guides that development proposals that accord with an up-to-date development plan should be approved without delay.

It should be noted that the NPPF (Para 38) guides that Local Planning Authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. It also furthers that decision-makers at every level should seek to approve applications for sustainable development where possible. There are, for the reasons within this report, no substantive reasons to not grant planning permission.

Officer Recommendation

Approval: Subject to;

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

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.

Conditions:

Standard Conditions:

Standard Time Condition

- that in the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission; and
- that the development to which this permission relates must be begun not later than two years from the date of the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990.

P1 Approved Plans Condition

Additional conditions:

1. Reserved Matters Condition

An application for the following reserved matters shall be submitted to the Local Planning Authority for its approval in writing:

- (i) landscaping.

The details of the reserved matters shall be consistent with the details submitted and approved pursuant to the outline consent. Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced, and the development shall be undertaken in accordance with the approved reserved matters.

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

2. Biodiversity measures – plot

The reserved matters pursuant to Condition 01 shall include an assessment and proposed measures to enhance biodiversity. The approved biodiversity enhancement measures shall be installed/provided prior to the first occupation of the development or within the first available planting season, whichever is practicably sooner when considering the form of the enhancement measure/s, and then shall be maintained as such at all times thereafter.

Reason: To secure biodiversity enhancements in accordance with Policy NC1 of the Torbay Local Plan 2012-2030, Policy PNP1(c) of the Paignton Neighbourhood Plan, and advice contained within the NPPF.

3. Biodiversity measures – building

Prior to the continuation of development of the build process above finished ground floor level (excluding demolition or general groundworks), details of the proposed measures to deliver biodiversity net gain within the buildings shall be submitted to and approved in writing by the Local Planning Authority.

The approved biodiversity enhancement measures shall be installed prior to the first occupation of the development and then shall be maintained as such at all times thereafter.

Reason: To secure biodiversity enhancements in accordance with Policy NC1 of the Torbay Local Plan 2012-2030, Policy PNP1(c) of the Paignton Neighbourhood Plan, and advice contained within the NPPF.

4. Contract to redevelop

The Villa shall not be demolished until a contract for carrying out the redevelopment of the site to deliver the development hereby granted consent has been entered into and a copy of the contract provided to and acknowledged by the Local Planning Authority.

Reason: To protect the character and appearance of the area, in accordance with Policy SS10 of the Torbay Local Plan and Paragraph 204 of the NPPF. A contract for redevelopment is required pre-demolition to ensure that the loss of the building is countered by the benefits of redevelopment.

5. Energy / Low Carbon

Prior to the continuation of development of the build process above finished ground floor level (excluding demolition or general groundworks), details of the proposed measures to deliver low carbon development, and energy efficiency measures, shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall seek to deliver, unless proven unpracticable, no less than 20% of subsequent in-use requirement delivered by on-site renewable energy sources.

The approved measures shall be implemented in full prior to the first occupation of the development and retained and maintained for the lifetime of the development.

Reason: In the interests of sustainable development and in accordance with Policies SS14 and ES1 of the adopted Torbay Local Plan 2012-2030, Policy PNP1(f) of the Paignton Neighbourhood Plan, and the NPPF.

6. Construction method statement

No development shall take place until a site-specific Construction/Demolition Management Plan has been submitted to and been 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.

- 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.
- Details of site hoardings
- Management of construction associated parking.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development, in accordance with Policy DE3 of the Torbay Local Plan 21012-2030. These details are required pre-commencement in order to establish construction parameters that protect against undue impact prior to work commencing.

7. Landscape Implementation

All planting, seeding or turfing comprised in the approved details of landscaping reserved matters pursuant to Condition 01 shall be carried out in full within the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To secure an appropriate form of development in accordance with policies NC1, C4 and DE1 of the Torbay Local Plan 2012-2030.

8. Tree Protection

Prior to the commencement of development the tree protection measures as outlined within the approved Tree Protection Plan 05077 TPP Rev C 10.01.22 (Aspect Tree Consultancy) and further detailed within the Arboricultural Impact Assessment Report (Aspect Tree Consultancy) shall be implemented in full. The tree protection measures shall then be maintained in full throughout the construction phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure against harm to mature trees, in accordance with Policy C4 of the Torbay Local Plan 2012-2030. These details require implementing prior to commencement to ensure against harm to retained trees.

9. Arb Method Statements

Prior to the commencement of development an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority including detail for the 'no-dig' area. The detail shall make reference to (but not be limited to) to pre-commencement site meeting, signing on of contractors onto the AMS, use of root protection surfaces, and site monitoring timings. The approved detail shall be adhered to 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 Policy C4 of the Torbay Local Plan 2012-2030. These details are required prior to commencement to ensure protection measures are in place prior to potential harmful construction traffic and works commencing on site.

10. Landscape and Ecological Management Plan (LEMP)

Prior to the first occupation of the development a Landscape and Ecological Management Plan (LEMP), prepared in accordance with the specifications in BS42020; clause 11.1, shall be submitted and shall include, but not be limited to, the following.

- a) Description and evaluation of features to be managed, which shall include all of the mitigation measures set out in the assessment documents.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

All post-construction site management shall be undertaken in accordance with the LEMP.

Reason: To secure a satisfactory form of development in accordance with Policies SS8, C4 and NC1 of the Torbay Local Plan 2012-2030 and PNP(c) of the Paignton Neighbourhood Plan.

11. Drainage

Prior to the first occupation of the building hereby approved the development shall be served by the surface water management system outlined within the approved site specific flood risk assessment addendum report dated 6th April 2020, the accompanying surface water drainage layout drawing, number AT2400 01 revision A, and the surface water drainage hydraulic design included within the addendum to the site specific flood risk assessment, unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to installation and prior to the first use of the building.

The approved surface water management system shall be retained and maintained for the lifetime of the development

Reason: 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, policies PNP1 and PNP1(i) of the Paignton Neighbourhood Plan, and guidance contained in the NPPF.

12. Detailed design

Prior to installation of each element the following detail shall be submitted to and approved in writing by the Local Planning Authority.

- I. render type and colour
- II. standing seam sample, including colour
- III. door and window frames details, to a scale between 1:1 and 1:20
- IV. reveal depths
- V. window cill details – materials and colour
- VI. details of all external rainwater goods
- VII. details of the location and colour of all meter boxes.
- VIII. Details and location of any render joints
- IX. Details of any fascias and/or bargeboards

X. Details of any external plant such as air conditioning units/ airsource heat pumps etc

Development shall take place in accordance with the approved details and shall be retained and maintained as such for the lifetime of the development

Reasons: In order to protect visual amenity in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030, Policy PNP1(c) of the Paignton Neighbourhood Plan and advice contained within the NPPF.

13. Detailed design

All glass balcony and terrace enclosures hereby approved shall be fitted with frameless glass prior to the first occupation of the development, as detailed, and shall be retained in that form for the lifetime of the development.

Reasons: In order to protect visual amenity in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030, Policy PNP1(c) of the Paignton Neighbourhood Plan and advice contained within the NPPF.

14. Detailed Design

Prior to the first occupation of the development and prior to any works taking place to the front boundary wall a detailed scheme of works to, and enclosure of, the front boundary shall be submitted to and approved in writing by the Local Planning Authority.

The scheme and detail shall include details of works to close the defunct access and works to reform the retained access, to include the rebuilding of the existing piers, and means of enclosure above the wall.

The approved works to the boundary shall be completed as approved prior to first occupation of the development and shall be retained without variance as such for the lifetime of the development.

Reason: To secure improvements to the plot and an acceptable form of development within the Roundham and Paignton Harbour Conservation Area, and for reasons of highway safety, in accordance with Policies SS10, DE1 and TA2 of The Torbay Local Plan 2012-2030, policy PNP1(c) of the Paignton Neighbourhood Plan, and advice contained within the NPPF.

15. Parking provision

Prior to the first occupation of the development details confirming the location and provision of at least 3 electric charging points and 2 demarked visitor spaces shall be submitted to and approved in writing by the Local Planning Authority.

The development hereby approved shall not be occupied or brought into use until the car parking spaces (including the approved disabled spaces and the charging points and visitor spaces approved pursuant to this condition), together with the manoeuvring areas, have been provided in full. These elements shall thereafter be retained and maintained 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 Torbay Local Plan 2012-2030 and policy PNP1(h) of the Paignton Neighbourhood Plan.

16. Cycle provision

Prior to the first occupation of the development full details of the materials, elevation form, and means of secure locking, of the cycle store hereby approved shall be submitted to and approved in writing by the Local Planning Authority

The cycle store, as detailed within the approved plans, shall be completed and made available for the purpose of cycle storage to serve the development prior to the developments first use. Once provided, the agreed storage arrangements shall be retained and maintained 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 PNP1(d) of the Paignton Neighbourhood Plan.

17. Waste provision

Prior to the first occupation of the development full details of the materials and elevation form of the waste and recycling storage facility, as detailed within the approved plans, shall be submitted and approved in writing by the Local Planning Authority.

The approved store shall be completed and made available for the purposes of waste storage to serve the development prior to the first occupation of the development. Once provided, the agreed storage arrangements shall be retained and maintained for the life of the development.

Reason: In interests of amenity and in accordance with policies DE1, DE3 and W1 of the Torbay Local Plan 2012-2030 and Policy PNP1(d) of the Paignton Neighbourhood Plan.

18. PD

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 2015 (or any Order revoking or revising that Order) the following forms of development are not permitted, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority;

- No additional or different means of enclosures,
- No gates to the vehicular entrance,
- No additional hardstandings.

Reasons: In order to protect visual amenity and the amenity of future occupiers by maintaining a satisfactory form of development and outdoor amenity spaces within a restricted site, in accordance with Policies TA2, SS10, DE1 and DE3 of the Torbay Local Plan 2012-2030.

19. Dwelling Use / Small HMO PD

Notwithstanding the provisions of Schedule 2, Part 3, Class L (small HMOs to dwellinghouses and vice versa), of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting, or further amending that Order), all residential units hereby approved shall be used and occupied solely as Class C3 Dwelling-houses, by: (a) a single person or single household; (b) a single household of not more than 6 residents where care is provided; or (c) a single household of not more than 6 residents, and for no other purposes.

Reason: In order to ensure a satisfactory form of development in accordance with Policy SS11 of the Torbay Local Plan 2012-2030.

20. Ecology

The development shall proceed in full accordance with the submitted Preliminary Ecology Appraisal dated 11 February 2019 (George Bemment Associates).

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

21. Nesting season - birds

All demolition and/or the removal of vegetation shall be undertaken outside of the bird nesting season (March-August 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 within an area identified by the ecologist.

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

22. Ground clearance - reptiles

All ground clearance should be carried out with caution in accordance with the recommendations outlined within Para 5.7 of the submitted Preliminary Ecology Appraisal dated 11 February 2019 (George Bemment Associates) and if any reptiles are encountered work should stop and a suitably qualified ecologist should be contacted for advice.

Reason: To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030, Policy PNP1(c) of the Paignton Neighbourhood Plan, and advice contained within the NPPF.

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.

Development Plan Relevant Policies

SS1 - Growth Strategy for a prosperous Torbay
SS3 - Presumption in favour of sustainable dev
SS8 - Natural Environment
SS9 - Green Infrastructure
SS10 - Conservation and the historic environment
SS11 - Sustainable Communities Strategy
SS12 - Housing
SS13 - Five Year Housing Land Supply
TA1 - Transport and accessibility
TA2 - Development access
TA3 - Parking requirements
C4 - Trees, hedgerows and natural landscape
H1LFS - Applications for new homes_
DE1 - Design
DE3 - Development Amenity
ER1 - Flood Risk
ER2 - Water Management
W1 - Waste management facilities
NC1 - Biodiversity and geodiversity

PNP1 – Area Wide
PNP1(c) – Design Principles
PNP1(d) – Residential Development
PNP1(f) – Towards a sustainable low carbon economy
PNP1(g) – Designing out crime
PNP1(h) – Sustainable transport

PNP1(i) – Surface water