

Application Number

P/2012/1074

Site AddressLand Off Alfriston Road
Paignton
Devon**Case Officer**

Matt Diamond

Ward**Description**

Minor Revisions to Layout and Reduction in Number of Dwellings: Residential development to form 92 dwellings, creation of new vehicular and pedestrian accesses and associated works

Executive Summary/Key Outcomes

This application was taken to Development Management Committee in February when Members deferred it for further negotiations with the applicant in respect of the remaining design issues, and the undertaking of a viability assessment and further negotiations in respect of the contents of the Section 106 Agreement.

At the time of writing this updated report a draft independent viability assessment is being prepared and will be finalised shortly, and negotiations are continuing with the applicant over the contents of the Section 106 Agreement. The full position with respect to the Section 106 Agreement will be reported at Committee.

In terms of the design issues, these have largely been resolved following two sets of further revisions. The number of dwellings has reduced further from 92 to 84, which has helped to overcome the previous concerns. In addition, the main road through the site from Alfriston Road would now go directly up the slope instead of looping to the north.

Importantly, this revised design approach now fits with the emerging draft Great Parks masterplan, which covers the whole of the phase 2 development land both at the application site and to the north. Development of this site will help deliver a new local centre, within Phase 2, and a community park in the valley to the west of the site. Significant progress has been made with landowners in Phase 2, which includes Council owned land, to ensure the site can be developed in the next 5 years.

The revised principle route through the site allows for a more legible street hierarchy, with a primary route for vehicles (including potential for a bus route) and secondary streets that are more pedestrian friendly. In addition, the character of the housing has been simplified in terms of use of materials, which will help to create a more distinctive place, provided the materials are of a good quality. It is considered that the revised design (subject to some further detailed design negotiations) overcomes the Design Review Panel's previous concerns with the scheme.

Officers would like delegated authority to continue to seek improvements to the secondary streets in terms of traffic calming and place making, and to explore further opportunities for pedestrian connectivity between the secondary streets, whilst the S106 Agreement is being completed. Alternatively some of the minor design matters could be dealt with by condition.

Contrary to previous evidence, it has been confirmed that the Cotehele Drive/King's Ash Road junction has enough capacity to cope with the traffic generated by the proposed development until 2018. At this point in time the junction would go over capacity making the proposed development unacceptable. However, by this time the rest of Great Parks Phase 2 should have been delivered, including the access road to the site from the northwest. When this new access road has been built, the access from Alfriston Road could be closed to all but pedestrians, cyclists and buses, which can be secured in the S106 Agreement.

Therefore, there would not be a detrimental impact on the Cotehele Drive/King's Ash Road junction in that event. The provision of MOVA traffic signals at the junction by the applicant would possibly extend the capacity of the junction by a year, but this would need to be confirmed by further traffic modelling at that time. In the event of non-delivery of the remainder of the Great Parks development a bond would be secured through the 106 to carry out any necessary improvement works to the capacity of the Cotehele junction.

Recommendation

Conditional approval delegated to the Executive Head of Spatial Planning; subject to seeking further enhancements to the secondary streets to prioritise pedestrians over vehicles, changing the roofs of plots 10, 58 and 84 to normal gable ends, and further exploring opportunities for pedestrian connections between the secondary streets; subject to the signing of a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning within 6 months of the date of this committee or the application be reconsidered in full by the committee. Appropriate planning conditions to be determined by the Executive Head of Spatial Planning.

Site Details

The site is located on the western edge of Paignton. It is bounded by residential properties to the southeast, a public footpath (Luscombe Road) and residential properties to the northeast, and open countryside to the northwest and southwest. The site area is 1.8 ha. The site is allocated for housing in the Adopted Torbay Local Plan 1995-2011 (the 'Local Plan') as part of Great Parks Phase 2 and has been identified as a 5 year housing supply site in the emerging Local Plan.

The Council has commissioned external consultants to produce a masterplan for Great Parks Phase 2, which is currently being prepared with community events forming an important part of the masterplanning process. The site is also part of the Ramshill County Wildlife Site (CWS) and SINC (Sites of Importance for Nature Conservation).

The countryside to the northwest and southwest also forms part of the CWS and SINC. It is also designated in the Local Plan as an Area of Great Landscape Value (AGLV). A large part of it is also located within the 5km buffer greater horseshoe bat sustenance zone and a strategic flyway associated with the South Hams Special Area of Conservation (SAC) at Berry Head. These come to within 5 metres and 30 metres of the southwest boundary of the site. Luscombe Road is designated as a cycle route in the Local Plan.

Alfriston Road is a cul-de-sac that meets the site approximately half way along the southeast boundary. This could provide vehicular access to the site. In addition, there is an existing pedestrian access to the site from Luscombe Road in the northern corner of the site.

The site comprises a field of improved grassland surrounded by both species rich and species poor hedgerows, with trees. A 1-2m margin of tall ruderal plant species borders the

hedgerows, with a bank of bracken also present along the eastern edge. A number of protected and/or notable species of flora and fauna have been recorded on the site. The site topography rises from southeast to northwest by 12.23m, measured from the lowest point in the far eastern corner to the highest point approximately half way along the northwest boundary.

Detailed Proposals

The revised proposals comprise a residential development of 84 dwellings: 21 no. 2-bed dwellings (2 coach houses, 12 flats, 1 terraced house and 6 semi-detached houses); 43 no. 3-bed dwellings (18 terraced houses, 24 semi-detached houses and 1 detached house); and 20 no. 4-bed dwellings (6 terraced houses, 6 semi-detached houses and 8 detached houses). The number of dwellings has decreased by a further 8 dwellings from 92 to 84 as a result of negotiation on layout and design.

Building heights range from 2 storeys to 3 storeys, with a number of 2 and a half storey terraced and semi-detached houses, and split 2/3 storey terraced and semi-detached houses.

Vehicular access to the site would be from Alfriston Road. This could, depending on the outcome of the final masterplan for Phase 2, be a temporary vehicular access until access is provided through the remainder of the Great Parks Phase 2 site to the northwest. However, it would remain accessible to pedestrians, cyclists and buses. The road would now go directly up the slope with secondary streets either side. A pedestrian link is retained to Luscombe Road to the north.

The design of the dwellings has been simplified further. The rationale is to create two distinctive characters, predominantly render along the main road and brickwork around the secondary streets.

A (soft) landscape scheme has been submitted. This includes provision of ornamental shrub and grass borders in front of properties, as well as street trees and hedgerows. No public open space would be provided.

All of the proposed houses would have two parking spaces, either within the curtilage or within unadopted parking bays adjacent to the street. The proposed flats would have 1 parking space per dwelling, provided within parking courtyards and the requisite visitor's parking would also be provided.

The plans show that the primary street up the slope, secondary streets and footpath to Luscombe Road would be adopted by the Local Highway Authority. The parking courtyards would be private.

Summary Of Consultation Responses

A comprehensive summary of consultation responses was reported to Development Management Committee in February. The previous Committee Report is appended to this report. Below is a summary of additional consultation responses received since February.

RSPB (comments followed second set of revised plans): None of the changes affect the comments and concerns already expressed, so the views in letter dated 23/10/12 are still relevant. It is essential there is adequate strategic mitigation for the impacts on this development via contributions to secure off-site habitat provision and management regards the loss of part of the Ramshill CWS and the habitat it provides for protected species including cirl

buntings. The retention of hedges within the boundaries of proposed dwellings will most likely lead to the loss of their existing wildlife value through inappropriate management such that these features cannot be regarded with any confidence as part of on-site mitigation. No details are provided in regard to a contribution for biodiversity offsetting and conditions for biodiversity enhancements. RSPB and Natural England should be consulted on the scope and content of biodiversity offsetting and mitigation/enhancement measures.

Housing Services (comments followed second set of revised plans): Support the application provided 30% affordable housing is included (10% social rent / 10% affordable rent / 10% intermediate) and secured in a S106 Agreement.

Strategic Transportation (comments followed second set of revised plans): Expressed further concerns with the future capacity of the Cotehele Drive/King's Ash Road junction stating there is capacity until 2018 for the proposed development, but it will exceed capacity when the rest of Great Parks Phase 2 is developed. Further work is required by the applicant to adjust their model, as the data they have used may still be low.

Natural England (comments followed second set of revised plans): Fail to understand how the revised information addresses the matters raised in letters dated 7/11/12 and 19/12/12. Support RSPB comments above.

Engineering – Drainage (comments based on Flood Risk Assessment V3 received 24/04/13): Although a number of previous comments have been addressed the majority have not. Therefore, before planning permission can be granted the applicant must supply the details requested.

Torbay Design Review Panel: Comments provided in relation to the previous scheme. Officer's view is that the revised submission attends to the majority of these comments and, following further design negotiations on the detail of the submission, it is anticipated the DRPs concerns will be resolved.

No further consultation responses have been received on the latest set of plans. Any further responses will be provided as late representations or reported verbally.

Summary Of Representations

32 objections have been received and one representation which raised no objection provided another vehicle access to the site could be found that does not go through the existing road network. The following material considerations were raised, although the majority of these relate to earlier iterations of the proposals:

- King's Ash Road and the estate are at capacity and cannot cope with more traffic
- Alfriston Road not wide enough/suitable to accommodate an access road
- More housing is required, but the infrastructure should be put in place first with access from a new junction on King's Ash Road near Spruce Way
- There is only one access to the estate from King's Ash Road
- Impact of construction traffic on residential amenity/child safety
- Premature to proceed ahead of the masterplan in a piecemeal manner
- Any approval should be conditional on the construction of an alternative vehicular route to the north
- Housing density is very high and not in keeping with surroundings

- Few detached houses – not in keeping with existing surrounding properties
- 3 storey buildings on top of slope will cause visual impact – buildings should be no more than 2 storeys
- Steep nature of site will create problems overlooking and reduced privacy for existing houses
- Not enough parking, which is likely to lead to roads cluttered with cars
- Concerns with impact of proposals on localised flooding
- Render on elevations will not fit in with the existing estate and will deteriorate quickly if not properly maintained
- Storage areas for the large refuse bins have not been identified
- Noise and dust pollution during construction
- No plans to develop local facilities and services within the application – the area has very poor services and facilities, especially recreation and play facilities
- Impact on local wildlife
- Location of proposed substation in close proximity to existing residential property
- No public consultation has been carried out
- No foot or cycle path links in or out of development
- Still outstanding work from Phase 1
- Light pollution
- Would spoil Area of Great Landscape Value
- Pressure on local schools and medical facilities
- Potential slope instability from water entering upper levels of slope/soakaways
- Trial pits not in location of individual property soakaways or communal soakaway
- Concern over the location of the communal soakaway above and behind existing properties to the south of the site
- Impact on trees/hedgerows
- Overdevelopment – housing not needed
- Loss of potential agricultural land
- Impact on foul drainage
- The revised plans take no account of the major objection of local residents – impact on local highways during construction and after the development is completed
- Access to the site from the northwest must be constructed before any development begins, leaving Alfriston Road as pedestrian access only
- Does nothing to address previous objections
- No change to the access to the site
- No advances on the original scheme
- Consideration of the proposals should be deferred until the Great Parks masterplan is approved
- 84 dwellings is still too high density
- There should be design continuity between Great Parks Phase 1 and 2

The emerging masterplan for Phase 3 included, as a key element of the process, a three day community engagement event during which a draft masterplan was produced. This event showed that many residents accept the principle of development but want to ensure a high quality development which respects its landscape setting, the delivery of a new local centre and new community park. In the past, residents have expressed concern about vehicle connections between Phases 1 and 2. However, it is now appreciated by residents that, with careful traffic management, it may well be possible to link the two phases so that drivers have

options for entering/leaving the estate. The final masterplan will be the subject of further engagement with the community.

Relevant Planning History

ZP/2007/0714: Residential Development (pre-application enquiry): Split Decision 30.08.2007

ZP/2012/0151: Housing development (pre-application enquiry): Refuse 20.08.2012

P/2012/0660: Screening opinion: EIA not required 04.09.2012

Key Issues/Material Considerations

The key issues are:

1. The principle of the development
2. Impact of the development on local highways, including the capacity of Cotehele Drive/King's Ash Road junction
3. Design
4. Car parking
5. Privacy and amenity
6. Impact on biodiversity/loss of part of CWS
7. Surface water drainage
8. Affordable housing

1. The principle of the development

The principle of the development is acceptable, as the site is allocated for housing in the Local Plan as part of Great Parks Phase 2 (Policy H1). The National Planning Policy Framework (NPPF) advocates a presumption in favour of sustainable development, which for decision taking means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted. (Para 14)

Unless material considerations indicate otherwise.

Therefore, provided the design and technical matters of the application are in accordance with the policies in the Local Plan, the application should be approved. Where issues are not addressed by policies in the Local Plan, or policies are out-of-date, the application should be approved unless its impacts are significantly greater than its benefits, taking into account the policies in the NPPF, or policies in the NPPF restrict development on the site.

Since March 2013, weight may be given to Local Plan policies according to their degree of consistency with the NPPF.

The NPPF states that its policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system (Para 6).

The sections below discuss the acceptability of the proposed development with reference to the other relevant policies in the Local Plan and the policies in the NPPF, i.e. how sustainable is the proposed development?

2. Impact of the development on local highways, including the capacity of Cotehele Drive/King's Ash Road junction

Contrary to previous evidence, it has been confirmed that the Cotehele Drive/King's Ash Road junction has enough capacity to cope with the traffic generated by the proposed development until 2018. This could be extended by about 1 year through the introduction of MOVA traffic signals at the junction, but this would have to be confirmed by carrying out further traffic modelling closer to the time.

Therefore, the proposed development is acceptable in this regard, as by the time the Cotehele Drive/King's Ash Road junction goes over capacity in 2018/2019, the rest of Great Parks Phase 2 should have been built, including the access road to the site from the northwest. When access to the site from the northwest has been provided, access to the site from Alfriston Road can be closed to vehicular traffic except for buses.

As the proposed development will eventually be served via the new access to Great Parks Phase 2 further to the north along King's Ash Road and its acceptability is dependent on this, the development should contribute to funding the new access as a site acceptability contribution. This should be calculated on a pro rata basis according to the proposed number of dwellings on the site and the estimated number on Great Parks Phase 2 as a whole.

Should for any reason the rest of Great Parks Phase 2 not be built prior to 2018/2019 when the Cotehele Drive/King's Ash Road junction goes over capacity, the funding towards the new access should be spent instead on upgrading the existing junction to ensure that it operates within capacity. The funding should be secured as a bond in a S106 Agreement.

The above provision does not take into account the impact of development coming forward on the rest of Great Parks Phase 2 on the Cotehele Drive/King's Ash Road junction as a result of additional traffic flow along King's Ash Road. This might realistically be built before the access road to the site from the northwest has been completed to the extent of providing access to the application site. However, it is important to secure the delivery of housing on the site now rather than waiting. This is a significant material consideration given the need for housing and the fact that this site falls within the Council's list of 5 year supply sites. In addition, the development could be seen as 'pump priming' delivery of the rest of Great Parks Phase 2 through the measures to be secured in the s106 and through the commencement of development on this site.

The proposed development would not have a significant impact on other local highways on the estate or in the wider area. Should planning permission be granted, local residents' concerns regarding the impact of construction traffic on the estate roads and local amenity can be addressed through a condition for a Construction Method Statement requiring these details. Furthermore, if so required a construction access could be provided to the north off of Luscombe Road, although at this time it is not anticipated that this will be a requirement.

It may be necessary (in order to avoid creating a rat run) to secure the future restriction of the access into the site from Alfriston Road (when the northern access is provided). In this event, the s106 or conditions would need to include provision for a bus gate to preclude all movements from the north through the site to Alfriston Road with the exception of buses,

cyclists, pedestrians and emergency vehicles. The masterplanning work suggests that this may not be necessary and further negotiations will provide clarity on this matter before the 106 is signed and the decision is issued.

Based on the above, the proposal accords with criteria (2) and (3) of Policy T26 of the Local Plan, subject to a bond towards funding the new access to Great Parks Phase 2 or improvements to the Cotehele Drive/King's Ash Road junction secured in a S106 Agreement.

3. Design

Since the application was deferred at the February Development Management Committee the proposal has been revised twice to address the remaining design issues. As a consequence the number of dwellings has reduced from 92 to 84.

The applicant has responded to the concerns previously raised and the scheme is now considered generally acceptable in design terms. One of the key changes is to provide the main street directly up the slope rather than looping to the north. This solves a number of problems with the previous layout and importantly this is also consistent with the draft Great Parks masterplan. This has also resolved the more significant concerns raised by the Torbay Design Review Panel.

The majority of housing would be accessed off secondary streets that are designed to prioritise pedestrians instead of traffic. Street trees would be planted along the secondary streets in order to help calm traffic and soften the appearance of the development, particularly when viewed from Lutyens Drive to the northeast. There may be opportunities to improve these streets further and officers would like the opportunity to continue negotiating this with the applicant. In addition, the roofs of plots 10, 58 and 84 should be changed to normal gable ends in order to provide ridges and be consistent with the rest of the scheme and further opportunities for pedestrian connectivity between the secondary streets should be explored.

The design of the housing has been simplified in relation to materials. The applicant has committed to providing quality brickwork where it is used. This would contribute to providing a distinctive place with character.

The reduction in dwellings has led to a reduction in car parking. There is now a better relationship between the proposed dwellings and car parking, and the level of parking is considered acceptable and would not overly dominate the streets.

There is still no public open space on the site or meaningful provision of green infrastructure, although the important hedgerows around the site boundary would be retained. A contribution towards providing public open space / community park elsewhere on Great Parks Phase 2 is therefore being sought in the S106 Agreement as a sustainable development contribution. This will be subject to the independent viability assessment.

Subject to some further tweaking as described above, the proposal is considered to accord with Policies H9, H10, CF2, BE1, BE2 and T26(1) of the Local Plan, and Section 7 of the NPPF.

4. Car parking

The Council's parking standards require 2 garages/car parking spaces per dwelling within the curtilage, or 1 car parking space per dwelling plus 1 visitor's space per 2 dwellings located within reasonable walking distance of the units to be served. For flats it is 1 garage/parking

space per unit plus 1 space per 2 units for visitors. Whilst these are maximum standards, the location of the development site on the edge of Paignton means that the maximum provision is required.

The proposal now complies with the Council's parking standards and therefore accords with Policy T25 of the Local Plan.

5. Privacy and amenity

The separation distances between the proposed dwellings and existing properties surrounding the site appear satisfactory in order to maintain adequate levels of privacy and amenity. This can be supplemented with vegetation screening if necessary.

The separation distances between the proposed dwellings within the central perimeter block in the north of the site is less than what would usually be expected, especially given the difference in levels. However, this cannot be improved without significant and dramatic changes to the layout that could lead to the loss of a significant number of dwellings. Therefore, as future occupiers would be aware of this when they buy/let the property and vegetation screening could be used to provide greater levels of privacy, this is considered acceptable in the circumstances.

Therefore, in terms of privacy and amenity, the proposal accords with Policy H9 of the Local Plan.

6. Impact on biodiversity/loss of part of CWS

Both the RSPB and Natural England have expressed concern over the lack of detail in the application of how the proposal would mitigate for the loss of part of the Ramshill County Wildlife Site, and how this mitigation would relate to mitigation for the rest of Great Parks Phase 2. Natural England has recommended using the Torbay biodiversity offsetting pilot to help calculate off-site compensation, where on-site mitigation measures are restricted. The Council's former Green Infrastructure Coordinator used this tool to calculate a contribution from the proposed development towards the proposed community park adjacent to Great Parks Phase 2 to offset the biodiversity loss on the site, including ongoing management and maintenance. This contribution should be secured in a S106 Agreement as a site acceptability matter.

Therefore, the proposal will accord with Policy NC3 of the Local Plan, subject to a contribution for biodiversity offsetting secured in a S106 Agreement. In addition, recommendations for biodiversity enhancements in the application should be secured by condition.

7. Surface water drainage

The Council's Engineering – Drainage department has confirmed that the proposed drainage strategy appears satisfactory, but further details are required before planning permission can be granted. Following the submission of the first revised Flood Risk Assessment (V2), the Environment Agency confirmed that it would be happy with a condition to deal with these details. Following the submission of the second revised Flood Risk Assessment (V3) the Council's Engineering – Drainage department has confirmed that these details can now be dealt with by way of a pre-commencement condition.

As part of the surface water runoff from the site would drain into the main sewer, both the Council's Engineering – Drainage department and the Environment Agency require a financial contribution towards both maintenance and works to increase the storage capacity of the Great

Parks storage lagoon situated on the Clennon Valley watercourse. This is necessary because it currently only caters for the phase 1 development, and in order to reduce the risk of flooding to properties downstream. The contribution should be calculated on a pro rata basis according to the proposed number of dwellings on the site and the estimated number on Great Parks Phase 2 as a whole. It should be secured in a S106 Agreement as a site acceptability contribution.

Therefore, the proposal accords with paragraphs 99-104 of the NPPF with reference to managing flood risk, subject to the submission of the details requested above before development commences on the site and a contribution towards upgrading and maintaining the Great Parks storage lagoon secured in a S106 Agreement.

8. Affordable housing

The applicant previously committed to providing 30% affordable housing in accordance with Policy H5 of the Local Plan. However, this is no longer the case and the level of affordable housing is being negotiated with the applicant as part of the contents of the S106 Agreement. The position will be reported verbally at Committee.

S106/CIL - The following site acceptability contributions are required in accordance with Policy CF6 of the Local Plan and the Planning Contributions and Affordable Housing SPD:

Waste Management	£4,200.00
Bond for contribution towards Great Parks Phase 2 access	£262,500.00
Biodiversity/CWS offsetting (works and maintenance)	£90,429.00
Upgrading and maintenance of Great Parks storage lagoon	£131,664.54
Great Parks masterplan Local Centre	£27,720.00

In addition, contributions are required towards the following sustainable development matters, although these cannot be calculated until the level of affordable housing has been agreed due to mitigation that is applied to affordable housing:

Sustainable Transport (Sustainable Development)
Stronger Communities (Sustainable Development)
Education (Sustainable Development)
Lifelong Learning – Libraries (Sustainable Development)
Greenspace and Recreation (Sustainable Development)

In addition, a contribution is required towards the South Devon Link Road (SDLR) in accordance with the 'Third Party Contributions towards the South Devon Link Road' report adopted by the Council on 6 December 2012. This must be subtracted from other contributions, taking into account the recommended order of priority in the SDLR report. Again this cannot be calculated until the level of affordable housing has been agreed.

As stated, a draft independent viability assessment has been prepared and this is being used to negotiate the contents of the S106 Agreement with the applicant, including affordable housing. The latest position will be reported verbally at Committee.

S106 Justification

Site Acceptability

The contribution towards waste management is justified in paragraph 2.18 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6) and will pay the cost of providing bins to the proposed dwellings. It also accords with Local Plan Policy W7.

The bond for a contribution towards Great Parks Phase 2 access, minus the cost of MOVA traffic signals, is justified because the proposed development will eventually be served via the new access to Great Parks Phase 2 further to the north along King's Ash Road and its acceptability is dependent on this.

The contribution required to offset biodiversity impact on the site and loss of part of the County Wildlife Site is justified because biodiversity mitigation will not be provided on-site. Further justification is provided in the consultation responses from the RSPB and Natural England. This approach is given weight in Section 11 of the NPPF.

The contribution towards upgrading and maintaining the Great Parks storage lagoon on the Clennon Valley watercourse is justified because surface water from the development site will drain into the main sewer, which will place additional burden on this infrastructure and increase the risk of flooding to downstream properties. The storage lagoon and other attenuation measures were only constructed to accommodate the downstream discharge from Great Parks Phase 1, not Great Parks Phase 2 also.

The contribution towards the Local Centre is justified, as the development site forms part of Great Parks Phase 2, which must include a Local Centre in order to deliver a sustainable community. The land required for the Local Centre will have less value than land for residential development and this cost should be borne equally by all the land owners of Great Parks Phase 2.

South Devon Link Road

The contribution towards the SDLR is justified in Appendix 1 of the 'Third Party Contributions towards the South Devon Link Road' report adopted by the Council on 6 December 2012 and is based on an assessment of the impact that the development would have on the road.

Affordable Housing

30% affordable housing is justified in Section 3.0 of LDD6. It also accords with Local Plan Policy H5.

Sustainable Development Contributions

The contribution towards sustainable transport is justified in paragraphs 4.12-4.24 of LDD6 and will be used towards the enhancement of local bus/cycle infrastructure. The NPPF and Local Plan Policy T2 promote sustainable transport modes. The proposed dwellings would generate additional trips and should therefore contribute toward sustainable transport in the area.

The contribution towards stronger communities is justified in paragraphs 4.31-4.35 of LDD6 and will be used towards the provision of a street warden in the area.

The contribution towards education is justified in paragraphs 4.40-4.46 of LDD6 and will be used towards funding Children's Services Capital Programme, which includes projects at Roselands Primary School and White Rock Primary School in Paignton. The proposed development includes family dwellings where children might reasonably be expected to go to these schools; therefore, the development should contribute towards education. It also accords with Local Plan Policy CF7.

The contribution towards lifelong learning is justified in paragraphs 4.47-4.51 of LDD6 and will be used towards the cost of improving provision at Paignton Library, including Wi-Fi. The proposed dwellings would place additional demand on the services provided by Paignton Library and the contribution will ensure these services are provided with funding to mitigate the proposed development.

The contribution towards greenspace and recreation is justified in paragraphs 4.52-4.58 of LDD6. No public open space will be provided on-site; therefore a contribution is required towards provision of off-site public open space elsewhere on Great Parks Phase 2.

Conclusions

Following the deferment of the application at Development Management Committee in February, the applicant has worked positively with officers to resolve the remaining design issues. This has resulted in the loss of 8 dwellings and the rerouting of the main road directly up the slope, which has overcome the main design issues with the previous scheme. Furthermore, the proposal now fits in with the key principles of the draft masterplan coming forward for Great Parks Phase 2. Therefore, subject to some minor tweaks described in this report, the design of the proposed development is acceptable.

The contents of the S106 Agreement are still being negotiated with the applicant. A draft independent viability assessment has been prepared, which will be finalised shortly. The position will be reported at Committee.