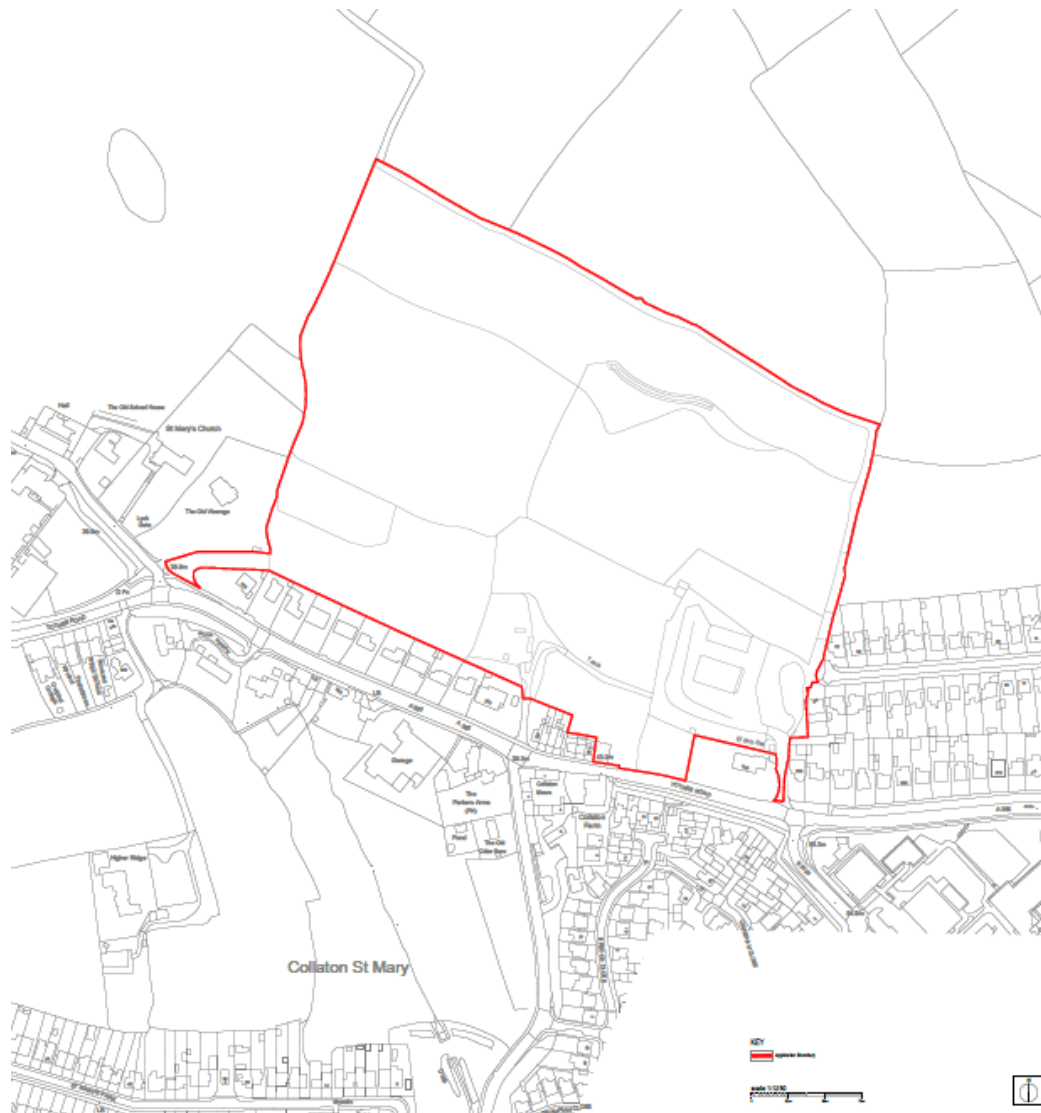


Application Site Address	Land North of Totnes Road, Collaton St Mary, Paignton
Proposal	Reserved matters relating to P/2019/0281 (Up to 100 dwellings) - relating to (i) layout, (ii) scale, (iii) appearance; and (iv) landscaping.
Application Number	P/2024/0368
Applicant	Cavanna Homes
Agent	AR Land and Planning Ltd
Date Application Valid	14.06.2024
Decision Due Date	13.09.2024
Extension of Time Date	14.11.2025
Recommendation	Approval: Subject to; 1. The satisfactory resolution of outstanding highway points, to be delegated to the Divisional Director of Planning, Housing, Transport and Climate Emergency. 2. The conditions as outlined, with the final drafting of conditions delegated to the Divisional Director of Planning, Housing, Transport and Climate Emergency. 3. 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 Transport and Climate Emergency, including the addition of any necessary further planning conditions or obligations.
Reason for Referral to Planning Committee	Major Development.
Planning Case Officer	Scott Jones



Site Details

Description

The application site sits to the north of the Totnes Road (A385) and encompasses approximately 10.5 hectares of what is largely fields but includes an element of previously developed (brownfield) land of approximately 1 hectare.

The site largely sits behind residential properties along Totnes Road where the fields rise northwards towards a hedge and tree lined hilltop. Although largely contained behind the existing frontage development there is a section of the site that fronts directly onto the Totnes Road, comprises a hedge-lined frontage of approximately 64 metres forming a gap between existing residential plots. There is also an access to the existing developed area within the site further east, close to the brow of the hill and the junction with Borough Road, and within the southwest corner the site extends to the border of the public highway near to the junction of Blagdon Road with Totnes Road.

Local Character & Services

The existing field system is largely laid to pasture with hedge borders and the occasional small copse. The site is quite steep in places and there is an overall rise of approximately 55 metres from the low points adjacent to the Totnes Road and Kings Ash Road to the hilltop at the northern border of the site.

Across the Totnes Road, to the south there is a public house and to the west there is a parish church and a primary school. Within the wider area there is a secondary school, numerous food retail outlets and a trading estate within relatively close proximity, on the outskirts of Paignton. The general character is a transitional one from an edge of town, residential character to the east to a rural character with more intermittent development (largely residential ribbon development and holiday parks) and open countryside to the west.

Heritage

There are a number of designated heritage assets nearby and immediately to the south of the site across the Totnes Road lies the Grade 2 listed Collaton Farm building and (converted) barns. To the west, off Blagdon Road there is the Grade 2* listed Church of St Mary, Grade 2 Old School House and Old Vicarage, and a further four Grade 2 listed properties, 391-397 Totnes Road.

Development Plan

In terms of the Local Plan the site is identified as part of the wider Collaton St Mary (Paignton North and West Area) Future Growth Area and is also a site identified for housing within the Collaton St Mary Masterplan, which is an adopted Supplementary Planning Document for the area (adopted February 2016). The Paignton Neighbourhood Plan does not allocate housing sites and hence is silent in terms of designation, however Policy PNP24 does cite that within Collaton St Mary further development beyond the currently developed areas will be supported where the proposals are in accordance with the adopted masterplan for the area. In terms of other relevant context the valley floor to the south of the site is a linear area with an identified risk of flooding, and the site sits in the Sustenance and Landscape Connectivity zones associated with the South Hams Special Area of Conservation (SAC)(Greater Horseshoe Bat).

Description of Development

This is a reserved matters application that is seeking approval for the layout, scale, appearance and landscaping for 100 dwellings following the grant of outline consent under application reference P/2019/0281 for up to 100 dwellings. The outline consent granted detailed access with the creation of a single vehicular access off the Totnes Road (A385) east of the existing zebra crossing. A previous Reserved Matters application pursuant to the outline planning consent P/2019/0281 has already been approved under planning reference P/2022/0888. This application presents a revised form of development for the site.

In accordance with the outline consent the proposal is for 100 dwellings offered in the development area presented in the indicative plans submitted and considered at outline stage. The dwellings are again focused within the lower part of the site, up to a line roughly in line with the rear boundaries of the dwellings off Borough Park Road.

In terms of layout the proposal loosely respects the indicative layout at outline stage with the approved single access filtering off to a network of roads across the hillside. The precise layout has changed though. The reserved matters include public elements identified at outline stage, with orchards, allotments and an equipped play space (LEAP) central within the upper part of the development and some more incidental play space (LAP) within the southeast corner of the site.

In terms of form the buildings are generally two-storeys or 2/3 storey split level, with pitched roofs. Accommodation type is largely houses with a range of bedroom numbers up to 4-bed properties.

The scheme is substantially one of detached houses with 70 out of the 100 units being either detached or linked-detached. The remainder are provided in a mix of semi-detached units, short terraces, or combined building with dwellings and apartments beside each other. There are 8 apartments within the scheme across two linked buildings with houses attached, 4 towards the southeast corner of the development near to Borough Park Road and 4 towards the southwest corner of the development near to the vicarage and church.

The proposal includes the provision of 30 affordable units in accordance with the outline consent.

Materials are varied through the scheme. Roofs materials are either slate, concrete tiled or finished in a standing seam grey membrane. Wall elevations across the scheme are also mixed and materials include reconstituted red stone, red brick, render and boarding panels. The dwelling type and material choices are presented as offering character areas that respond to the pedestrian/cycle gateway from Borough Park Road to the east, the central green spine to the site, and the listed church and vicarage to the west.

All dwellings are supported by parking which is a mix of driveway and garages, or courtyard or street-edge parking.

Pre-Application Enquiry

(Design West) Torbay Design Review Panel 31.01.2024 and comments issued 16.02.2024.

Summary Comments:

- Scheme now works more harmoniously with the topography, is more landscape led, and provides space for green infrastructure to mature and organise the site.
- Significant landscape spine holds potential to add great value to both existing community and new residents.

- 3D modelling will be essential for a site such as this in terms of exploring, developing, and communicating design proposals.
- Civil engineering to manipulate or retain levels should be limited to guard against unviability as well as potential issue around character and accessibility.
- Views into and out of the site should both be considered.
- The approach to respect the setting of heritage assets and enhance their setting is welcomed. Evident that special attention has been paid to the GII* Parish Church of St Mary (namely in the detailed consideration of contemporary 'alms-houses').
- The layout and house designs could work harder to foster distinct characteristic areas within the development.
- Connections could be improved between Borough Park Road and the courtyard development, perhaps with an urban square.
- The 'Alms' character area needs more confidence and robustness in its approach, and closer reference to that typology if it is to be adopted.
- The southern pedestrian/cycleway connection to the school could be explored and further strengthened.
- Play and temporal activity could be more effectively anticipated and woven into the landscape and streets across the site (play on the way). The SuDS spine in particular should be optimised as a social and play space that helps capitalise on views.
- Materials should be reused where possible (stone).
- The use of landscaping to help mitigate road noise should be explored.
- Support for the main access and Totnes Road frontage being open and welcoming to stitch new and existing communities together rather than discrete and introverted.
- The Quarry and Public Open Space is a significant asset for the community, both for residents of this scheme and existing residents nearby.
- Active travel, cycle parking and EV charging should be supported and encouraged.
- Movement patterns north-south and east-west should be duly considered for pedestrians and cyclists.
- The consideration of adjusting standard house types and understand that a more bespoke approach is being developed by Cavanna Homes to address sites such as this is welcomed, where topography and soil conditions call for more of a 'split level' approach.
- A pallet and hue of materials with the emphasis upon a development that sits comfortably against the hillside is suggested. Treatment of roofs important due to wider views of the site.
- Greater ambition in terms of sustainability and low carbon is suggested.

Relevant Planning Policy Context

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

Development Plan

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

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Published Standing Advice
- Collaton St Mary Masterplan
- Setting of various listed buildings, including the Grade 2* Church of St Mary.
- 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

Outline consent:

P/2019/0281: Outline application: Development of up to 100 dwellings, including affordable and market housing. Associated landscaping, open space, drainage and highways infrastructure at Land North of Totnes Road together with new access onto Totnes Road. Approved with legal agreement.

Reserved matters consent:

P/2022/0888: Reserved matters relating to P/2019/0281 (Up to 100 dwellings) - relating to (i) layout, (ii) scale, (iii) appearance; and (iv) landscaping. Approved.

Summary of Representations

39 submissions objecting. The summary of concerns raised are as follows;

Reasons for objection relevant to this Reserved Matters application for layout, scale, appearance and landscaping:

- Flooding concerns
- Privacy, loss of light and noise impact on dwellings to the south
- Limited overlooking of play space
- Designing out crime and access to rear of plots
- Location of affordable housing
- Location of greenspace central in the development
- Doesn't integrate well
- Impact on ecology
- Impact on the listed church
- Poor design

Reasons for objection not relevant to this Reserved Matters application for layout, scale, appearance and landscaping:

- Impact on services such as schools, health etc.
- Access safety
- Traffic capacity
- Principle of housing
- General noise
- Loss of green fields
- There should be no connection to Borough Park Road
- Affordability

- Carbon produced by the housing

Summary of Consultation Responses

Torbay Council Affordable Housing Manager

The plans provide a better mix of unit sizes that was proposed under the previously approved reserved matters application P/2022/0888. There will now be provision of:

- 8 x 1 bed
- 4 x 2 bed
- 4 x 3 bed
- 4 x 4 bed

This totals 30 Affordable Homes which accords with the policy requirement of H2.

Due to the overriding betterment in terms of the mix compared to the previous reserved matters approval the provision of single person 1-bed units over 2-person units, and the provision of 3-person 2-bed units over 4-person units, is considered acceptable. Notably the provision of the 4 bed units which will accommodate 6 persons is positive as these units will meet the needs of the larger families who are generally more difficult to rehouse and ultimately would be overcrowded. There are also ample people on the Housing Register suited to the smaller one bed as well as the 4 bed units.

It is also be noted that the applicant is providing M4(3) units which will meet the needs of applicants who would generally require specialist adaptations within their homes.

It is vital that we secure these properties with a local connection to Torbay. Larger units, i.e. the 4 bed properties and the M4(3) units are not always provided as the emphasis is usually on smaller units of accommodation. Torbay will want and need to ensure that these properties are offered in the first instance to people with a local connection to Torbay.

The fact that the units are concentrated in two groups is a welcome change to the early proposals. Registered Providers generally prefer this for housing management purposes. There were some suggestions from the team on changes regarding the flats. These suggestions have been incorporated to remove shared access. Each property now has its own access which reduces the issues around communal areas.

Highway Authority

Summary points:

1. Dropped kerb detail on main access should match the approved detailed plans consented at outline stage.
2. Walk/cycle link should be considered from the 6 units in the SW corner of the site to the east-west footpath/cycle route.
3. Central path through greenspace should be tarmac not paved
4. Small parking court arrangement in SW corner could be improved and access to bins should meet building regulations.
5. Certain trees should be set back from highway to improve visibility.
6. Materials near plot 93 should be reconsidered to define what is expected to be public highway.
7. Visibility splays should be clear of obstruction.

8. Private drive adjacent to plot 88 may benefit from a turning head.
9. Link from private drive near unit 69 to the adjacent footpath should be considered.
10. Plan consistency re footpath link in the central greenspace near plot 61.
11. Extended kerb width near plots 52 and 53 not required.
12. Raised table near plots 32 and 47 should be pulled south slightly to align with crossing point.
13. Footway near plot 32 would be better aligned re predominant desire line.
14. Waste collection distances in upper private drive need to accord with guidance.
15. Table crossing near plots 1 and 2 a concern re movement out of the nearby drive possibly obstructing the footway.
16. Communal cycle stores need to show they are adequately sized.
17. Concern on the two sharded surface treatments on the east-west route through the site.
18. Footways etc should be built to adoptable standards for adoption purposes.
19. Low lighting acceptable where necessary for ecology reasons.
20. Adoption plan should be updated to refer to updated guidance..
21. Foot/cycle connection to Blagdon Road should be opened during phase 1.
22. Link to Bourgh Park Road should also be marked for cycle use on plan AMP.01 C and route near to plot 71 should be marked for pedestrians.
23. Wayfinding information can be addressed in the S.38 highway agreement process.
24. Waste plan requires updating to reference the changes made.
25. Commuted sum should be sought for management of landscaped areas/features.
26. Highway drainage will be covered under the S.38 process.
27. Construction Management required agreeing.
28. Updated travel plan is required.

General conclusion:

The Highway Authority have reviewed the updated information provided by the Applicant and their Agents and subject to receipt of further detailed plans and updated documents which satisfy the matters outlined above would not object to the application. However, it is considered that there are several items to be addressed that would materially affect the site layout and appearance and therefore would not be possible to deal with as part of the Section 38 Agreement. Accordingly, the Applicant is required to address each and every item to the satisfaction of the Highway Authority at this time.

Updates to the Highway Adoption Plan will be required as well as ensuring all layout and other plans are consistent in terms dwelling types and extent of surfaces and proposed adopted areas.

Natural England

No objection subject to appropriate mitigation being secured.

The LPA should address all the detailed comments raised by the County Ecologist prior to determination. We make particular reference to:

- Confirming whether there will be lighting along the footpath on the east of the site. In order to comply with the outline application and the requirements of the HRA, the illumination of this corridor should be under 0.5 lux.
- Clarifying the functionality of the eastern flight corridor to ensure that flight paths are not constrained.

- We agree with the reasonable requests of your ecologist regarding updating the CEMP and LEMP.
- The LPA should ensure that BNG can be legally secured.

Ecology Advisor (Devon County Council)

All of ecology comments have been addressed by EAD Ecology. The Reserved Matters scheme is in line with the ecological requirements as set out by the outline consent.

There are however still points that the council need to consider:

The proposed cycleway/footpath to the south of the site and its associated junction, along with the footpath connection to Borough Park Road to the east – this is shown as dark within the HRA approved for the outline consent. I believe we need to understand from Torbay Highways whether this footpath is going to be lit because if not, then the functionality of the dark corridor along the eastern boundary will need to be reassessed. If Torbay want to adopt this footway, then they will need to accept no lighting.

The other aspect is the offsite BNG provision. As previously discussed, the applicant is proposing going to a habitat bank provider to provide the required units. There are currently no habitat banks in Torbay, as if we accept this approach, the council must be made aware that the offsite habitat provision will be outside the district.

The above two points are for the Council to decide. There are no further ecology comments.

Waste and Recycling Officer (SWISCo)

Please refer to waste collection comments contained within the Highway Authority response.

Torbay Council Drainage Engineer

Regarding the revised surface water drainage details for the above development, confirm that the revised drawings do not affect the previously approved surface water drainage design for this development. As a result, providing the drainage is constructed in accordance with the latest drawings and hydraulic design, there is no objections on drainage grounds to planning permission being granted.

Environment Agency

No objections to these reserved matters. Whilst a small part of the site is within an area of fluvial flood risk (the pedestrian link in the south west of the site) there are alternative means of access which join the highway in an area of flood zone 1 (low risk). No flood risk assessment has been provided with these reserved matters, but we recognise that the outline permission managed the requirements for flood risk assessment regarding surface water. This is, however, a matter on which we defer to the Lead Local Flood Authority.

South West Water

Surface Water:

Having reviewed the applicant's current information as to the proposed surface water disposal for its development, the method proposed to discharge into a surface water body is acceptable and meets with the Run-off Destination Hierarchy.

It is noted infiltration testing showed insufficient capacity for soakaway drainage to be effective at this site. The applicant therefore proposes that on-site surface water drainage network will connect to the off-site public surface water drainage, via an attenuation system comprising underground tanks and shallow attenuation basins. The public sewer consequently discharges to the existing watercourse.

For Highway run off please contact the Highway Authority to agree disposal method. South West Water response relates to surface water discharge to our network, where the discharge is from buildings and yards belonging to buildings. Where the applicant has highlighted that the surface water does not connect to South West Water network, we are not commenting on this as it is not our responsibility.

Foul Water

South West Water is assessing the waste supply network for wider growth in this area, which includes this site. Any network reinforcements identified will take this development into account

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Assets:

Asset Protection

Plan provided showing the approximate location of a public 4-inch water main in the vicinity of the above proposed development. Please note that no development will be permitted within 3 metres of the water main. The water main must also be located within a public open space and ground cover should not be substantially altered.

Addendum comment received 20.10.2025 states that having re-consulted the Development Evaluation Team for this proposal, the assessment referred to in our consultation response of Feb 25 has been completed and there will be no need for network reinforcements to serve this proposal.

Police Designing Out Crime Officer

From a designing out crime, fear of crime and anti-social behaviour perspective, offer the following advice and recommendations below.

Request that a condition is in place for the access gates providing entry into the private rear gardens. Where they provide pedestrian access into the rear gates must also attain a height of 1.8m and be lockable by means of a key or similar to allow for the garden to be secured on exit as well as entry. This has been requested in the interest of designing out crime.

The gates that provide access into the landscape buffer zones such as those ones between the rear gardens must be lockable to prevent unauthorised access. I would also ask that these are conditioned, in the interest of designing out crime.

Where there are shared access pathways providing access to multiple private rear gardens these must be lockable as well to provide access to residents only. The gates must be installed at the start of the pathways to prevent unnecessary recessed areas.

Planting should be designed to maximise visibility and seek not to create pinch points or place of concealment.

Where lighting is being installed for the footpaths or cycleways and parking courts this should be lit in accordance with BS 5489-1:2020.

With regards to the apartments communal entrances have a visitor door entry with an access control system.

The communal bin stores and cycle stores should be lockable to prevent unauthorised access. The internal side of the external doors should also be fitted with a thumb turn or other associated emergency release equipment to allow for a person to exit if inadvertently locked in. It would also be recommended that a light is installed within the internal side of the stores to allow for the residents to have a clear line of site into the building to prevent fear of using them during the hours of darkness.

A secure mail delivery system should be installed for the apartment buildings to prevent theft of mail and parcels which can be a common issue with buildings with multiple dwellings.

Where smart meters are not being installed into the apartment buildings then meters should be in an area that access does not introduce security risk to the residential areas, for example it would be beneficial if these were installed to the front of the building line or in the communal lobby area.

Torbay Council Community Safety Officer

The emissions from vehicles using this development have the potential to impact air quality, particularly on Kings Ash Road where nitrogen dioxide concentrations from vehicle emissions are already close to the legal objective. It is not clear from the outline application whether an air quality impact assessment was conducted.

This reserved matters application also seeks to discharge the requirements for a CEMP on the outline consent. I have the following comments and questions on the submitted CEMP:

- Please provide further information on the use of water for dust suppression when required.
- Please include details of how dust emissions will be monitored and how the site will react to dust emissions.
- Will the site compound be powered by a generator? If it will, where will this be located and will it operate over night? (a noise assessment may be required).
- Will there be any driven piling of foundations or structures?

The submitted contaminated land report concludes that further investigation is required. This should be controlled by a condition on any consent. The wording of any condition will depend on whether further investigation has been done by the applicant by the time this application is determined or not.

The plans for this block show that lack of natural light may be a problem in parts of the property.

SWISCo Green Infrastructure Team

Standing advice regarding future management of open space:

Without prejudice SWISCo would be seeking to take on the management of the open space provision for a period of 25 years.

A review of the proposed management of open space identified a requirement for grass cutting/non-residential bin emptying/playground inspection/bench repair/non-highway path repairs. The cost of the committed sum can be provided and will be plus RPI for 25 years.

Planning Officer Assessment

1. The Principle of Development.
2. Housing Supply.
3. Design and Visual Impact (Layout, Scale, Appearance and Landscaping).
4. Heritage Impacts.
5. Residential Amenity.
6. Highways, Movement and Parking.
7. Ecology.
8. Flood Risk.
9. Low Carbon Development.
10. Affordable Housing.

1. The Principle of Development

Outline consent has been granted for up to 100 dwellings pursuant to planning permission P/2019/0281. This has established that the principle of 100 dwellings served off an approved detailed access arrangement off the Totnes Road is acceptable.

This Reserved Matters application is solely to consider the Layout, Scale, Appearance and Landscaping, as the principle and detail of access has been established, and has been submitted in accordance with the time limit of the outline consent.

Subject to ensuring that the proposal provides an acceptable form of development, in terms of securing a suitably designed scheme, a good quality living environment and one that retains adequate amenity levels for adjacent occupiers, whilst also according with the conditions attached to the outline consent, the principle is considered acceptable.

Due to the reasons stated above the principle of residential development on this site is accepted, when considering strategic policies SS1, SS2, SS5 and SS12 of the Torbay Local Plan and Policies PNP1 and PNP24 of the Paignton Neighbourhood Plan, and the Development Plan as a whole, subject to other material considerations, which will be discussed in more detail below.

2. Housing Supply

The Government published the most recent Housing Delivery Test in December 2024. Torbay's result was 66% (i.e. between 2020/21 to 2022/3 there were only 66% as many completions as the number of homes required). Recently the Inspector considering the Copythorne Road appeal in Brixham agreed the Authority only had a 1.72-year housing land supply. There is a significant housing shortage, and the Housing Delivery Test requires that the presumption in favour of sustainable development be applied as per Paragraph 11 of the NPPF.

Paragraph 11 of the NPPF states:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [Footnote 8], granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance [Footnote 7] provides a strong reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination [Footnote 9].*

Footnote 7: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.

There is a clearly stated government objective of boosting the supply of housing. Policies SS3 and SS13 of the Local Plan also set out a presumption in favour of sustainable development separately to the NPPF. Accordingly, the presumption in favour of sustainable development is applied to applications involving the provision of housing.

Under the presumption, in this instance permission should only be refused where either:

- (i) The application of policies in the Framework that protect the South Hams SAC or designated heritage assets provides a strong reason for refusal (i.e. the “tilted balance” at Paragraph 11(d)i) or
- (ii) The impacts of approving a proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination (i.e. the “tilted balance” at Paragraph

11(d)ii).

Development plan policies are taken into account when assessing whether the harm caused would “*significantly and demonstrably*” outweigh the benefit.

In accordance with Footnote 8 and Paragraph 11(d) of the NPPF the policies within the Development Plan which are most important for determining the proposal are out-of-date. The presumption in favour of sustainable development indicates that planning permission should be granted unless one of the two circumstances apply as detailed above.

As concluded within this report neither of the above positions are breached in order to signify the proposal should be refused. The provision of housing and the local housing supply context weighs heavily in favour of the grant of planning permission. This conclusion is informed by there being no ecology reasons associated with the South Hams SAC, or heritage reasons, that provide clear reason for refusing the application, so the ‘tilted balance’ is engaged, and the broader conclusions present that it is clearly in the public benefit to grant planning permission for these reserved matters.

3. Design and Visual Impact (Layout, Scale and Appearance and Landscaping “the reserved matters”)

Achieving good design is a central thread within national guidance and Part 12 of the NPPF “Achieving well-designed and beautiful places” offers key guidance on this. Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 131 goes on to state that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 furthers key guidance including that on functionality, adding to the overall quality of an area, responding to local character and being visually attractive as a result of architecture, layout and landscaping, and creating safe and inclusive places. In addition, paragraph 139 states that ‘development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design’.

There is consistency with the NPPF across Local Plan Policies SS2 (Future Growth Areas), SS11 (Sustainable communities) and DE1 (Design). Policy SS2 seeks development to integrate with existing communities and reflect landscape character, Policy SS11 states that development must help to create cohesive communities within a high-quality built and natural environment. The policy also includes expectations for development to help develop a sense of place and local identity, deliver development of a type, scale, quality, mix and density appropriate to its location, and protect and enhance the natural and built environment. Policy DE1 states that proposals will be assessed against their ability to meet design considerations such as whether they adopt high quality architectural detail with a distinctive and sensitive palette of materials and whether they positively enhance the built environment.

In terms of further policy context design outcomes are also prominent within the Paignton Neighbourhood Plan with PNP1 (Area Wide) including reference to enhancement of local identity, PNP1(a) citing the importance of development

responding positively to its context when in the Rural Character Area, PNP1(c) again identifying the importance of strengthening local identity, and PNP19 (Safeguarding the open countryside) and PNP24 (Collaton St Mary) both express the importance of sensitive development within the rural context.

In terms of context the early evolution of these revised reserved matters was considered by the Design West Design Panel in early 2024 approximately 6 months in advance of the submission of this application. The submitted Design and Access Statement details how the application has responded to the comments of the Panel, summarised below.

- Working in 3D. A 3D massing model has been made of the proposal and images from this are attached.
- Where needed retaining walls and steps have been incorporated into the extensive Landscape Proposals.
- The opportunities for views out – particularly towards the Dart Estuary have been fully considered.
- Evolving the design around the entrance to integrate with the existing Heritage assets and being clearer in the approach to visitors and general permeability of the site.
- Strengthening the 'Almshouse' character Area and being clearer in how the concept is implemented to integrate with the existing Heritage assets.
- Strengthening the gateway to Borough Park Road by creating a 'square'.
- Strengthening the route and opportunities created by the Pedestrian / Cycleway that runs through the site enabling a future connection from the School to Borough Park Road.
- Bringing the area to the north (termed the Quarry) into the site by making the POS direct accessible to residents and the wider community.

Consideration of the reserved matters for layout, scale, appearance and landscaping are as follows.

Layout

In terms of the layout the proposal is broadly respectful of the outline information with the basic principle of a network of roads on the lower slopes with play space engrained and public open space and community facilities to the upper slopes. The layout is considered in broad accordance with the indicative layout submitted at outline stage. As a point of clarification the detailed vehicular access was approved at outline stage together with the expectations for an east-west connections for permeability and to provide linkages that support non-car modes for local travel. These Reserved Matters align with these previous outcomes.

In terms of basic principles the development pattern leans heavily on perimeter development which presents active street frontages and overlooked public spaces, and private back-to-back gardens that offer secure and enclosed gardens. Perimeter development is supported as a broad urban design principle for the reasons stated.

In terms of the detail the layout presents a loose arrangement of streets being formed across the hillside, with east west 'branches' off a sweeping access road from the site's entrance in the south. A central green spine runs from the vehicular entrance diagonally up the hillside which incorporates a landscaped path route, drainage features, and play

space. The green public spine through the development provides a positive easing of development and fragments the eastern and western elements slightly. The general street pattern and public landscaping within the built area is considered softer and more organic as an arrangement compared to the more engineered and road dominant vision from the previously consented reserved matters (P/2022/0888).

The rise in levels between streets is largely managed by utilising split level properties, which limits the amount of freestanding retaining walls needed to traverse the rise in land levels northwards. Having the engineering solution within the built form presents less exposed engineering and is considered a positive concept for the site. The move away from large expenses of exposed engineering walls between gardens of the previous reserved matters approved is considered to present a more positive outcome.

In terms of the street pattern the buildings and building lines are relatively regular and present quite a formal and somewhat suburban influence. The scheme leans heavily on detached dwellings and there is a regularity to the plot arrangement, including parking and garaging. The building lines enclosing the streets are also relatively regular, which would appear influenced by the restricted depth to plots borne from managing the rise in levels from south to north. All these tensions were evident in the previous reserved matters. In terms of step-change forward from the previous scheme that was approved the road pattern is less uniform and more irregular than the previous scheme, and there remains some curvature to the streets that does offer some informality to the layout. The significant green swathe through the scheme also provides a welcome break to the built form in the layout, and the treatment of the peripheral areas presents some welcome change in character to the broader arrangement of dwellings. The layout does also present opportunities for regular 'street' trees throughout, which is a welcome element in the proposed layout.

The revised location of the principal play space (LEAP) is central within the site at the head of the green spine before transitioning to the informal public open space in the upper fields. The location presents a sensible and very legible location that is linked to both the developed area and the informal space to the north, and the landscaped path through the scheme. The location also retains natural surveillance with dwellings nearby. Allotments are proposed on the upper east side and orchards on the upper west side close to the rear church yard. Both locations are considered suitable and provide a transition from the developed area to the informal natural public greenspace on the upper slopes.

Permeability is adequately considered through the scheme with east-west and north-south pedestrian routes providing more direct movement options and ensures there isn't a full reliance on the vehicular routes. Steps are necessary in places due to the topography of the site, which is considered acceptable in the context.

All matters considered the layout and detailed arrangement of buildings and streets presents the foundations for a far more positive outcome for the site than the previously consented reserved matters. There remains some concern around the relatively regular suburban form of development, however a number of elements of the layout will aid in limiting the impact when considered in the round. The influence of layout on the overall character needs to be considered in the round, taking into account other elements of the development that influence the overriding character.

Scale

The development broadly follows the outline proposals and keeps development within a domestic scale.

All buildings have relatively small domestic scaled footprints presenting single detached, linked detached, semi-detached, short terraces and small apartment buildings.

The scale, in terms of height, presented through the scheme is a mix of 1/2 storey split level, two-storey, and 2/3-storey split level buildings, all under pitched roof forms.

The outline application presented 2-storey development through the scheme, which was amended to suggest split level development within the uppermost properties. This was to address concerns on the creep of development up the hillside slightly beyond the line of development suggested within the adopted Collaton St Mary Masterplan. These reserved matters, like the previously approved reserved matters deviates slightly from the indicative information submitted at outline.

The reserved matters are accompanied by a Landscape and Visual Impact (LVIA) Technical Note that reviews the proposed scheme against the consented outline and the previously approved reserve matters scheme, seeking to conclude on the differences and any potential effects on landscape character or visual amenity that may arise as a result.

The LVIA Technical Note concludes that the current reserved matters scheme is broadly compliant with the existing consents on the site. Conclusions are drawn whilst appreciating that the highest ridge heights are higher than those suggested at outline and that in places that the proposed ridge heights will be higher than those consented in the previous reserved matters scheme. Overall though the conclusions are that the maximum ridge heights along the hillside edge are comparable to the height consented within the previously approved reserve matters, and that the changes would be imperceptible within the context of the wider scheme and existing development surrounding the site. The Technical Note concludes that current reserved matters scheme would not bring forward any additional harm to either landscape character (locally or wider area) or visual amenity than that initially identified. Officers do not disagree with the conclusions of the Technical Note considering the layout and form of development together with the scale that is proposed.

All matters considered, as concluded with the previous reserved matters, there is some concern on the uppermost dwellings in terms of the development being more prominent on the hillside than that considered at outline stage, however broadly the scale of buildings is considered acceptable and is supported. The previously approved reserved matters also now sit as a material consideration in the determination of this application, and the scale and overall height is closely comparable, which adds weight in favour of support and acceptability to the scale submitted.

Appearance (form and materials)

In general terms the form of buildings expresses a contemporary approach. The use of

asymmetric roofs within the scheme add to the modern expression together with the use of more contemporary architectural detailing and provision of rooftop terraces. There is a mixed palette of materials and the use of a panel arrangement of materials with materials used together to give emphasis to the principal elevations and entrances. The choice of materials differs through the scheme and to express 'character areas' that are expressed as a response to the site's context.

Character areas are identified to respond to the listed church and vicarage to the west, the listed barns opposite main access, and the sustainable travel link proposed to Borough Park Road to the east. The expression of character areas seeks to respond positively to the Design Panel comments on the strengthening of this concept.

The character area presented in the western corner of the site seeks to reflect the details and materials of the church and vicarage, but in a contemporary manner. The concept that is suggested is one of creating a group that could be read as Almshouses connected to the Parish Church (Almshouses being a term for charitable houses from circa the 10th Century onwards in England, often built for the poor or the elderly etc). The building form here is simpler, the scale up to 2-storeys. The materials palette in this area is one of slate roofs, reused or reconstituted stone and red brick. Their setting is framed by stone Devon Bank walls and tree planting to the public realm.

The character area towards the eastern border seeks to create a small, shared surface 'square' to form a subtle gateway into the site from Borough Park Road where a sustainable (walking and cycling) travel route is suggested. The materials and appearance of the proposed houses and flats arranged around the square is seeking to be compatible with the existing buildings that face onto Borough Park Road, using render or brick within the walls under concrete tiled pitched roofs. The creation of a square was a concept raised the Design Panel and is supported.

The final character area is the central area from the entrance up through the site, through the green spine. Materials within this character area are a mix of reused or reconstituted stone, red brick or render, together with boarding panels within the elevations, under raised standing seam membrane roofs. The houses at the base near to the new access from Totnes Road will be faced in red stone to compliment the listed Farmhouse and Barn that are situated opposite, set within a landscape setting, seeking to provide a 'soft' entrance to the development. The red stone and brick houses then continue up through the spine of the development where there is a change to render and boarding facing the public landscaping. In terms of the main access the Design Review Panel supported evolving a concept of the access being open and welcoming to stitch new and existing communities together rather than discrete and introverted. The proposal is considered to respond positively to this recommendation.

Red stone and red brick houses are then used throughout the site layout to frame the pedestrian routes.

In terms of defining public-private boundaries and changes in levels bunded banks with hedge tops are proposed around the periphery of the site and along certain public borders within the development. Private garden borders are generally enclosed by fencing, with public facing borders generally enclosed by brick or rendered walls. Back-to-back gardens are generally broken up by linear tree planted zones that sit outside of

the domestic curtilages. These features will break up the series of gardens and the enclosing fences that will be visible from certain public vantage points.

Landscaping

Landscaping is a key component of placemaking and in a rural context is an important influencer of character. The importance of contextual and effective landscaping is highlighted within the NPPF within Chapter 12, Achieving well-designed places, as part of the drive towards delivering visually attractive development that also responds to and is sympathetic to local character (Paragraph 135). The NPPF also makes reference to the important contribution of trees to the character and quality of urban environments (aside benefits of adapting to climate change) and states that decisions should ensure that new streets are tree-lined, that other opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), and that existing trees are retained wherever possible.

At a local level the Development Plan seeks high quality landscaping in Policy DE1 and Policy C4 states that development will not be permitted where it would seriously harm protected trees or veteran trees, hedgerows, ancient woodlands or other natural features of significant landscape, historic or nature conservation value. The policy also states that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity role.

Policy PNP1(c) of the Paignton Neighbourhood Plan includes relevant references to development proposals, where possible, retaining existing natural features, and furthers that hedgerows should be provided to at least one boundary and also should include tree planting, being encouraged to plant 3 new trees for each dwelling.

The scheme outlines landscape proposals developed collaboratively with the ecological and design teams, ensuring that ecological value is integrated alongside aesthetic enhancements to the development. The submission also presents a strategy aimed at strengthening connections between the site and its natural surroundings, including links to the wider countryside and throughout the development itself.

Working through the scheme, the site's entrance and primary street seeks to provide a transition and welcoming access from Totnes Road along a tree-lined avenue before changing into a hierarchy of secondary streets, each characterised by distinctive structural and ornamental planting. The generous proportions to planting through the entrance to the site is deemed positive.

The entrance moves through to the central public open space forms a green spine through the middle of the site. This connects to the equipped play area and also the wider informal space and countryside. The space has been sensitively designed to accommodate the sloping nature of the site and includes attenuation ponds amongst the winding route north up the hillside. The feature is a substantial and attractive feature through the scheme that provides some demonstrable softening of the built form and helps break down the mass of the development as a whole.

In terms of additional elements smaller pockets of incidental green amenity spaces sit

alongside pedestrian links planted with what is proposed as being “rich sensory and ornamental” planting. These areas are positive aspects within the scheme and are welcomed.

‘Street’ trees close to the highway are prevalent which will, certainly as they mature, provide some softening of the built form, and pedestrian routes are generally lined with planted devon banks as boundary treatments. Both details are supported as positive landscaping elements.

Planting along the south boundary will primarily provide an attractive east-west walking route, whilst also providing some softening of the development for existing occupiers in the properties on Totnes Road. Reverse the planting will also soften the outlook for the new properties adjacent.

At the northern fringes of the developed area orchards and allotments, framed by hedges, provide a transition to the undeveloped upper slopes. On the western side a significant landscaped corridor also draws the built form away from the boundary with the listed church and vicarage, which is considered a positive aspect when considering landscaping aside heritage setting sensitivities.

On the upper slopes proposed mown paths through open meadows and along hedge banks are proposed, presented as to provide opportunities for leisurely walking and with seating opportunities. These new paths connect into the existing sunken lanes alongside the northern and eastern boundaries forming a circular walking route. The proposals for the upper slopes are supported and provide a very beneficial landscaped setting for future occupiers and residents.

The proposals are considered to present a stronger landscaped response to the consented reserved matters (P/2022/0888) and the ‘step forward’ is welcomed.

All matters considered the proposed layout, scale, appearance and landscaping is considered to present a form of development that acknowledges and responds to the rural context. For the reasons above the development is deemed to be well designed, as required by the NPPF, and is considered to accord with the Development Plan design-based policies when read as a whole, notably Policies SS2, SS11, DE1, DE4, NC1 and C4 of the Torbay Local Plan, and Policies PNP1, PNP1(a), PNP1(c), PNP19 and PNP24 of the Paignton Neighbourhood Plan.

4. Heritage Impacts

There are no designated heritage assets such as listed buildings or structures on the site, nor is it within the boundaries of a designated Conservation Area. However, to the west off Bladgon Road there is the Grade 2* Parish Church of St Mary and Grade 2 Old School House and Old Vicarage buildings. There are also further Grade 2 listed properties set off the Totnes Road. The development does sit within the setting of these listed buildings, where there are direct views and/or where there is a kinetic experience of their settings as you pass through Collaton St Mary. Hence impact on their settings needs to be duly considered.

The NPPF guides that when considering the impact of a proposed development on the

significance of a designated heritage asset, that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (Para 212). The NPPF further states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (Para 213). It guides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Para 215).

In terms of the Development Plan it is guided that development proposals should have special regard to the desirability of preserving any listed building and its setting (Policy HE1 of the TLP). This is aligned with the duties for decisions as laid out within the Planning (Listed Buildings and Conservation Areas) Act 1990 section 66, where decisions shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

In terms of what is possibly the most sensitive relationship, with the church and the organic cluster of surrounding historic buildings, their rural character and setting is currently largely retained, with the surrounding green fields reinforcing the relationship between the church and the rural hinterland and ultimately how it is experienced as a rural village church. It is likely that the development and church will be experienced as you pass through the area, but views of the development are likely to be muted by the existing dwellings facing Totnes Road, as they themselves sit on higher ground, and where the southeast corner acts a landscaped buffer through which a pedestrian route is to be formed. In terms of a response to the setting of the church and vicarage the development as set off the boundary and presents green corridor that will sit as a buffer.

In addition the form of development immediately adjacent seeks to present character area that responds to this context where the appearance of the buildings seek to reflect the details and materials of the Church and Vicarage in a contemporary manner with the narrative of creating a group that could be read as a group of Almshouses connected to the Parish Church. It is detailed that the 'inward looking' character around a shared courtyard is commonly seen in lay buildings associated with a church.

In terms the listed farm buildings near to the proposed entrance, the development will be large screened behind existing properties and the entrance created will retain and reform the stone wall into the site. The entrance will also be landscaped and will lead through to a green spine to the development. This will present a suitable rural character that would not impact the setting of the listed buildings.

All matters considered the detailed reserved matters are considered adequately resolved to limit the impact up on the setting of these, and other, listed buildings in the area. However, there will be an inherent urbanising impact from the development and certain views and the general experience through the area will be impacted. As the scheme is considered suitably resolved the scale of harm is deemed less-than-substantial.

Where a development proposal will lead to less than substantial harm to the significance

of a designated heritage asset the NPPF guides that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Para 215).

In this instance the public benefits being the provision of up to 100 dwellings, of which 30 will be affordable, in addition to the delivery of construction jobs and the resultant households and their expenditure within the local economy. Also, there is the provision of public play space, allotments and orchards to consider. Overall these public benefits are substantial. Officers are also mindful that the site is identified for housing and the principle of housing has been established, and development would naturally present some change to the character of the site.

On balance, with a less than substantial level of harm, when considering the Development Plan and the NPPF, and the public benefits, the development is considered suitable for approval in accordance with Policies SS10 and HE1 of the Torbay Local Plan and Paragraphs 212 and 215 of the NPPF.

In reaching this conclusion Officers have duly considered the general duties as respects listed buildings under the Planning (Listed Buildings and Conservation Areas) Act 1990 section 66.

5. Residential Amenity

The Torbay Local Plan contains policies to ensure that appropriate residential standards are achieved in residential schemes, including size standards, through Policy DE3, and that development meets the needs of residents and enhances their quality of life, through Policy SS11. The Paignton Neighbourhood Plan, in Policy PNP 1(d) (Residential Development), presents guidance on supporting elements required for residential units and the NPPF (Para 135) guides that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Future Occupiers

In terms of assessing the quality of the future residential environment it is important to consider the size and quality of the internal living spaces, the levels of outlook and natural lighting afforded key habitable rooms, levels of privacy, along with the quality of outdoor spaces and access to waste, cycle and car parking facilities, which are all integral elements for household developments. The aspiration is to secure good level of amenity for future residents.

The development proposes a variety of house types. All are well spaced and provide good natural lighting to key habitable rooms and good outlooks. Internal privacy is duly offered with adequate back-to-back distances between dwellings or outlooks to landscaped borders. There will be some natural overlooking of gardens, but this is commonplace within residential environments and there are no unacceptable, i.e. overly dominant, relationships.

The relationship between properties on uneven ground is improved by the provision of linear landscaping features that will sit outside of the domestic borders of dwellings, which will provide greater certainty on the retention of trees set within these areas to provide visual relief and filter views. In addition positive work has been secured to revisit rooftop terraces in order to present less impact on adjacent properties that may have been subject to an unequal relationship in terms of overlooking of respective outdoor spaces. Where considered sensitive terraces have been regressed to limit the impact of overlooking.

In terms of the internal living spaces all houses and apartments meet the national internal living spaces standards that are engrained within the Development Plan (Policy DE3) and support the concept of producing, in the round, a good level of amenity for future occupiers. Each dwelling is afforded adequate amenity space that exceeds the 55sqm expected within the Development Plan. The apartments, following revised plans, will be afforded communal space to the east that exceeds the 10sqm per flat expectation in the Development Plan.

In terms of ancillary elements of parking, cycle parking and waste storage the following is considered.

All of the houses have 2 parking spaces in accordance with the expected level of parking outlined in the Development Plan. The vast majority also benefit from a further garage space/s. Each of the apartments has 1 assigned space in accordance with the level expected in the Development Plan and there is 1 visitor space within one of the pockets of apartments.

In terms of electric car charging facilities the Development Plan expectation is for all dwellings and 20% of apartments to have such facilities. Charging points are detailed for all houses and apartments within the submitted parking layout plan.

Waste storage is generally detailed to the rear gardens and there are collection points marked on occasions where necessary due to the arrangement. The apartments have a formal area close to the buildings.

In terms of cycle parking the Development Plan expects dwellings to be afforded with 2 spaces and apartments 1 space. Where dwellings are afforded a garage as a third space the facility is considered adequate to be considered as providing cycle parking possibilities. The apartments deliver cycle parking within enclosed facilities near to each building aside the waste storage.

In terms of designing out crime Policy PNP1(g) of the Paignton Neighbourhood Plan expects all developments to show how crime and the fear of crime have been taken into account. It is recommended that a planning condition is attached to secure details on how the development responds to Secured By Design. Notable details expected are the locking arrangement for all communal cycle parking structures, all maintenance gates to restricted areas and gates to rear gardens.

All these matters combined present good quality living spaces throughout the development. Subject to conditions as suggested the proposed residential environment is considered acceptable for all future users and would accord with Policies SS11, DE1

and DE3 in the Torbay Local Plan, PNP1(d) of the Paignton Neighbourhood Plan, and advice contained within the NPPF regarding creating good quality living environments.

Adjacent Occupiers

The site directly borders residential properties to the south and east, and the vicarage and church to the west, but due to the layout proposed, the distances between properties and plots, and natural separation afforded by landscaping, the development will not impact the amenity of adjacent occupiers. In terms of the consideration to each border and likely impacts the following context and conclusions are offered.

To the eastern edge of the development the proposed layout presents properties that are at least 20m from the adjacent buildings set towards the end of Borough Park Road, with the prevailing distances being generally more towards the 25-30m distance from building to building. The distance is more than adequate within a low domestic scale of buildings and would not impact adjacent occupiers in terms of light, outlook or privacy. The relationship is further improved by the existence of a landscaped corridor that is part of the required dark ecological corridor. There has been some degree of public concern regarding the proposed link with Borough Park Road, however this will only provide connectivity for pedestrians and cyclists which will not unduly impact amenity of occupiers locally and holds broad connectivity and sustainability benefits. The link provides benefits to existing residents as it would offer direct access to the play and open space the scheme will be providing, and more direct access to Collaton St Mary, including the school, within a more pedestrian and cycle friendly environment away from Tweenaway junction and the Totnes Road, which requires crossing and recrossing due to intermittent footways locally. The link will be a positive element for occupiers of the development and Collaton St Mary, providing a route eastwards towards Paignton and local schools, which will again afford a route away from the Totnes Road and Tweenaway junction. The only vehicular access via this link would be for emergency vehicles and day to day movement would be impeded through a designed barrier.

To the south the site abuts a number of existing properties which, due to the drop in levels, naturally sit lower than the proposed development. To the eastern end the proposed properties are generally orientated to reduce any sensitivity to the properties nearby (No.338 and 336 Totnes Road). In addition landscaping outside of residential gardens will provide an addition softening buffer to further aid the protection of amenity. To the west of the main access Numbers 352-386 are afforded very comfortable separation distances of circa 30m or more with the front of new properties set across a landscaped border public foot/cycleway and road. Notwithstanding the fall in levels distances above 30m from fronts to backs, with landscaping offered to further break up intervisibility in the form of a hedge topped devon bank and regular tree planting, will help ensure against any undue impact in terms of privacy and overlooking. Garden privacy would also not be unduly impacted across the distance and with landscaping proposed and the hedge topped devon bank will provide a suitable visual barrier to hinder any feeling of overlooking from use of the adjacent foot/cycle way. In terms of detail the southern border proposes a landscaped edge with a prevailing width of around 8m (tapering to 5m at the western end and extending to +30m at the eastern end), tree lined and featuring a devon bank planted with native hedgerow, behind which will be 1.2m post and wire fence. As a point of detail, the devon bank has been pushed closer to the southern border to remove a screened landscaped corridor, as a more positive

solution in terms of designing out crime. The landscaped edge detail of a hedge topped devon bank is considered a suitable edge treatment to the adjacent residential properties.

To the western edge the development is set some distance from the boundary with the adjacent church and vicarage with a demonstrable landscape corridor to be provided adjacent to the already heavily vegetated and tree -lined border. The proposals are considered to present no undue impact on these uses.

In terms of Construction impacts these will be duly managed through Condition 2 of the outline consent, which requires a Construction Method Statement approved and adhered to.

The development, for the reasons above, is considered to provide an acceptable relationship that protects the adjacent occupiers' amenity, in-line with policy DE3 of the Torbay Local Plan and in accordance with advice on delivering good living environments for all users, as guided within the NPPF.

6. Highways, Movement and Parking

Key policy guidance within the Development Plan is engrained across Policies TA1, TA2 and TA3 of the Local Plan, and in terms of parking standards within Appendix F of the Local Plan. National guidance is largely framed within Chapter 9 of the NPPF. The general thrust of local and national guidance is to promote sustainable modes of travel, provide safe access, and to provide safe and attractive environments for all users, including the disabled and those with reduced mobility.

Vehicular Access

The access into the site was approved at outline stage for the amount of development approved and hence is not considered as part of this reserved matters application.

Connectivity

The outline proposal established the benefit for a pedestrian/cycle route linking the development towards Borough Park Road to the east. This would offer clear connectivity benefits for the general community. A link to the edge of the site is shown on the submitted layout. In addition, again as expected through the outline plans, there is a pedestrian/cycle link at the southwest corner of the site that links to the junction of Totnes Road and Blagdon Road. Supporting this there is a clear pedestrian/cycle route within the site along the southern border. This presents opportunity for movement patterns to and from the school (for example) to use an improved route over the existing generally inhospitable section of the Totnes Road adjacent, which has narrow pavements and suffers from on-pavement parking. There is also connectivity to the northern public open space detailed in the plans.

The connectivity is well considered and sits as a positive aspect to the scheme.

Internal Movement Network

The proposed network is generally considered acceptable and would support the provision of well-connected and overlooked public roads and spaces, presenting an attractive environment.

Pedestrian permeability within the site is considered to be suitably resolved with east-west and north-south route provided through a mix of roadside and non-roadside routes. Steps are present within some of the more direct north/south routes however this appears necessary due to the gradients experienced. There are non-stepped options to all areas of the site though to ensure adequate access for all users.

The Highway Authority retain several observations and points of concern on a number of matters that largely relate to surface treatments, landscape treatments within visibility splays, minor connectivity points, minor layout points regarding some parking areas, waste collection distances in places, cycle parking capacity, and plan consistency.

These matters have been considered by the applicant with revised plans submitted and currently under consideration. Further comments from the Highway Authority have been sought.

As matters stand Officers are content that the proposals, subject to the receipt and consideration of further comments from the Highway Authority, substantially presents a suitable movement environment for vehicles, pedestrians and cyclists. As matters stand the proposals are expected to deliver a form of development that comfortably conforms with relevant policies within the development plan and guidance contained within the NPPF, and notably within the Paragraphs 115, 116 and 117. Notably Paragraph 116 guides 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, following mitigation, would be severe, taking into account all reasonable future scenarios”*.

The proposal, subject to the satisfactory resolution of the minor design matters raised by the Highway Authority, is considered to present an acceptable road and movement layout, in terms of providing for and promoting non car modes, addressing the needs of people with disability and reduced mobility, creating a safe and attractive environment, and providing adequate delivery and emergency access. Aside this safe access was established through the outline consent.

Car and Cycle Parking

All dwellings have at least 2 off street parking spaces or 2 assigned spaces within courtyards or within parking runs immediately adjacent to the highway. All apartments are provided with 1 assigned parking space within either courtyards or private runs adjacent to the highway. The allotments are supported by 4 off street parking spaces immediately adjacent to the plots, and the electricity substation has an assigned off street parking space immediately adjacent to it for maintenance vehicles to use. The 4 apartments within the southwest corner of the development have an additional visitor space within the courtyard, however the 4 apartments within the south east corner of the development do not benefit from a visitor space, although there are demarked street spaces in close proximity. Across the scheme there are 7 demarked street parking spaces where the highway design purposely widens to provide these facilities. Overall the parking proposals are aligned with the expectations outlined within Appendix F of the Local Plan. There is a minor non-conformity where the 4 apartments in the southeast corner of the development do not benefit from additional visitor parking. However, the number of apartments is few and there are designed street spaces nearby

that could be used. Considering the overriding conformity with policy expectations the proposals are considered acceptable in terms of the car parking proposals.

Further to the above in terms of the parking facilities electric charging is detailed to an acceptable level with all houses and apartments being provided with charging facilities. This accords with the Development Plan expectations for all dwellings and is an exceedance in terms of the apartments.

In terms of cycle parking the Development Plan expects dwellings to be afforded with 2 spaces and apartments 1 space. Where dwellings are afforded a garage as a third and/or fourth space this facility is considered adequate to be considered as providing cycle parking facilities. Elsewhere either communal cycle stores are provided, or storage is detailed within rear gardens that can house cycles to meet the standard above. Evidence has been requested to demonstrate that the communal stores are adequately sized for the number of cycles and detail should be conditioned on the security of these elements, in terms of their locking arrangements.

The proposals are, subject to the satisfactory resolution of the matters discussed, considered to present an acceptable layout in terms of layout and movement, and provide satisfactory parking and cycle facilities, in accordance with Policies DE1, TA1, TA2 and TA3 of the Torbay Local Plan, Policy PNP1(h) of the Paignton Neighbourhood Plan, and the NPPF.

7. Ecology and Biodiversity

The ecological context was duly considered when the outline consent was granted, to ensure that protected species and habitats would not be unduly harmed and that biodiversity aspirations could be met, in accordance with guidance contained within the NPPF and the Development Plan, notably policies SS8, SS9, NC1, C4 of the Local Plan and PNP1, PNP1(a) of the Paignton Neighbourhood Plan. Outline consent was granted subject to reserved matters including certain detail.

1. A Lighting Assessment to demonstrate compliance with the 0.5 lux design parameter set out in the Shadow HRA (Condition 2).
2. Details of a proposed bat roost (Condition 3).
3. A Landscape and Ecological Management Plan (CEMP)(Condition 4).
4. A Landscape and Ecological Management Plan (LEMP)(Condition 5).
4. A monitoring strategy to provide early warning of any change in site conditions that are likely to impair or disturb greater horseshoe bats being able to commute through the site adjacent to the site boundary (Condition 6).
5. Measures to enhance biodiversity (Condition 11).

The application is supported by the following documents and plans, which respond to the requirements of the conditions attached to the outline consent in terms of details to be submitted:

- Ecological Compliance Statement
- Landscape and Ecological Management Plan
- Lighting Impact Assessment
- Construction Environmental Management Plan

- Greater Horseshoe Bat Management Plan
- Biodiversity Metric Assessment
- Bat roost details

The ecology detail has been considered by Devon County Council ecologist and following revised detail received through the course of the application the application is considered acceptable on ecology grounds, in accordance with the latest advice dated 17.10.2025, with all of the previous ecology comments having been addressed by EAD Ecology. It is confirmed that this Reserved Matters scheme is in line with the ecological requirements as set out by the outline consent.

Two matters of note were raised, as follows.

Firstly, the proposed cycleway/footpath to the south of the site and its associated junction, along with the footpath connection to Borough Park Road to the east, pass through the dark corridor identified within the Habitat Regulations Assessment (approved for the outline consent). It was raised that it would be important to understand from Torbay Highways their lighting requirements for these areas, to ensure the functionality of the dark corridor is safeguarded. In accordance with Highways comments reference is made towards the understanding that ecological corridors, established through a sensitive ecological context, can remain 'dark' with low level lighting below 0.5lux. This matter is considered adequately addressed.

The second point of note had regard to offsite BNG provision, where although the application is not subject to the statutory requirements there is a requirement through condition to ensure a net gain. As submitted the applicant is proposing to use a habitat bank provider to provide the required units to secure a net gain. In terms of the developments biodiversity outcome the submitted detail shows that the Landscape Strategy will lead to a net gain in hedgerow Biodiversity Units (+1.92% in 'Hedgerow Units') but the development overall will present a loss of -0.87% in overall 'Habitat Units'.

At present there are currently no habitat banks in Torbay and hence this approach is likely to present the offsite habitat provision being outside of the district. Officers consider the proposals acceptable when considering the on-site ecological mitigation measures and habitat creation. In terms of this point the application does propose onsite ecological mitigation and accepting a degree of offsite mitigation via a habitat bank is considered acceptable where it provides accordance with the planning condition towards securing no net loss in biodiversity.

In terms of ecological considerations Natural England consider the amendments that these reserved matters make to the previously consented development are unlikely to have significantly different impacts on the natural environment than the original proposal.

The development is deemed to accord with policies SS8, SS9 and NC1 of the Torbay Local Plan and policy PNP1(c) of the Paignton Neighbourhood Plan.

8. Flood Risk and Drainage

Policy ER1 of the Local Plan states that proposals should maintain or enhance the

prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere. The Paignton Neighbourhood Plan offers similar plan-wide aspirations in Policy PNP1(i) and area-specific aspirations are offered in Policy PNP24.

Flood risk was considered at outline stage with an accepted outline strategy. The outline consent was subject to a planning condition requiring future reserved matters to demonstrate that the risk of flooding would not be increased, in line with the design parameters outlined within the previously submitted and approved Flood Risk Assessment.

Flood risk was one of the central public concerns at outline stage and clearly remains a central concern with multiple references within public representations made.

Surface water management is one of a controlled discharge to the public sewer system, which in turn discharges to a local watercourse.

The application is supported by detailed drainage plans and supporting information that details a drainage strategy that uses gravity sewers, attenuation basins providing water treatment, and attenuation tanks providing required attenuation, together with the minor use of swales. The attenuation tanks are underground with a series located through the central green spine of the development, before connecting into the public sewer system on the Totnes Road.

The submissions stated design parameters is of a system that has been designed for 1 in 100 years storm event, included capacity for 10% urban creep, and for an additional 50% climate change allowance.

The submission details that, according to the current regulations, any capacity requirements required by South West Water to fund improvements would be secured by an Infrastructure Charge through the connection agreement process.

In terms of foul water the detailed strategy is for the drainage design to connect to South West Water network, where it is noted that, in accordance with the current regulations Infrastructure Charges will fund any South West Water network improvements if and when required.

South West Water consultation response has confirmed that they are assessing the waste supply network for wider growth in this area, which includes this site, and further that any network reinforcements identified will take this development into account.

Following revisions to the plans package through the course of the application the Council's Drainage Engineer now raises no objections to planning permission being granted for these reserved Matters, having concluded that flood risk would not be increased as a result of the development. South West Water also raise no objection. The Environment Agency have offered a position of no objection and comments recognise that the outline permission managed the requirements for flood risk assessment regarding surface water, and defer to Torbay as the Lead Local Flood Authority regarding surface water flood risk issues.

The development is considered acceptable on flood risk grounds, and would accord with Policies ER1 and ER2 of the Torbay Local Plan and policy PNP1(i) of the Paignton Neighbourhood Plan.

9. Low Carbon Development

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, which includes the consideration of construction methods and materials. Policy ES1 seeks that all major development proposals should make it clear how low-carbon design has been achieved, and that proposals should identify ways in which the development will maximise opportunities. ES1 also states that the retrofit of energy efficiency measures to existing buildings will be encouraged and supported, and that opportunities for reducing carbon emissions associated with energy use will be sought through the development management process as part of the wider conversion/refurbishment of buildings where planning permission is required.

In terms of the Paignton Neighbourhood Plan Policy PNP1(f) states that new development should aim to achieve where appropriate and subject to viability: i) the latest developments in sustainable construction and water management technologies that mitigate and adapt to climate change; ii) the use of reclaimed materials and natural finishes; iii) include soft landscaped areas for natural drainage of rain water, and compensate fully for any existing soft area lost to development; iv) on site renewable energy generation to achieve 20% of subsequent in-use requirement wherever possible. Solar arrays will be encouraged where they do not adversely affect residential amenity, a vista of landscape value, or designated conservation area; v) connecting cycleways and footpaths where development involves new road infrastructure.

The NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Low carbon and energy aspirations were considered at outline stage and the outline consent was subject to a planning condition (Condition 14) for any reserved matters application relating to the proposal's layout, scale and appearance, to include details of energy efficiency measures. The application is supported by an energy statement that seeks to address this condition and the ambitions of the Development Plan and the NPPF.

The energy statement details a number of measures that the development and dwellings shall incorporate in terms of addressing energy and low carbon considerations. Details include:

- Fabric first approach and sustainable building design to ensure the envelope of the new home reduces the amount of heat loss and energy consumption at source.

- Photovoltaic Panels, Air Source Heat Pumps and Waste Water Heat Recovery are found on most of the dwellings from 2023 onwards.
- Access to Electric Vehicle Charge Point per property
- Providing 100% energy efficient light fittings within each dwelling.
- Locating fridges and freezer points away from cookers.
- Where installed, specifying energy efficient white goods throughout with energy ratings of no worse than 'A'.
- Providing advice on energy saving measures to residents and building occupants via provision of a non-technical Home User's Guide.
- Well insulated Hot Water Cylinders (where installed)
- Dual flush toilets
- Low output showers
- Water efficient white goods.

These measures broadly satisfy the ambitions of Policies SS14 and ES1, and PNP1(f).

What is absent from the submitted Energy Statement is understanding on site renewable energy delivery, where PNP1(f) seeks no less than 20% being delivered where practicable. The submission references the use of solar panels but is non-specific. The site sits on south facing hillside and there would appear some clear potential to deliver an efficient provision of solar energy. As the submission fails to fully address Policy PNP1(f) of the Paignton Neighbourhood Plan a planning condition is proposed to secure a positive response in terms of on-site renewable energy production.

In addition the submitted Energy Statement details the use of air source heat pumps and Waste Water Heat Recovery systems on 'most' dwellings they now build. The ambitions are supported but again certainty should be secured. It is proposed that the above referenced condition includes wording to secure these elements where practicable and a have review mechanism to secure assessment of this ambition.

The proposal is considered, with an appropriate planning condition, to deliver on the low carbon aspirations of the Development Plan, Policies SS14, ES1 and PNP1(f), and the NPPF.

10. Affordable Housing

Affordable housing provision has been largely established outline stage with the amount and general parameters for the provision set in a Legal Agreement that accompanies the outline consent. This established the provision of 30% affordable units, which is the policy compliant level for development of this scale on greenfield sites, occupation type, specifications, and delivery. The Legal Agreement set the type of affordable units in accordance with policy guidance, with the need to deliver a split of a third-third-third between social rent, affordable rent, and part ownership, with 5% of the provision being adapted dwellings. The legal agreement also established the broad requirement for a proportionate mix of dwelling types, and for these to be distributed through the development.

In addition to the requirements of the Legal Agreement a planning condition was placed on the outline consent (Condition 10) that any application for reserved matters relating to the proposal's layout and scale, a scheme of affordable housing shall be submitted for the written approval of the Local Planning Authority, which shall include information about the siting, size, and tenure type of the affordable units.

The requirement of Condition 10 to submit details with the reserved matters has been met and the submission is accompanied by an Affordable Housing Plan. The plan details the provision of 30 units, which accords with the requirement to deliver 30% of the units as affordable units.

In terms of detail, following positive and proactive discussions through the period of the application, the settled affordable housing provision presents four clusters of affordable housing, two within the southwest corner of the site and two clusters towards the eastern border of the site, as outlined within the submitted Affordable Housing Plan.

Cluster 1 sits adjacent to Borough Park Road and will deliver 6 affordable dwellings and 4 affordable apartments. Cluster 2 sits close to the western edge of the site accessed off the upper estate road and will deliver 8 dwellings across a short terrace and 2 pairs of semi-detached properties. Cluster 3 sits south of Cluster 2 at the end of the lower southern-most road in the southwestern corner of the site and will deliver 4 affordable dwellings and 4 affordable flats. Cluster 4 is sat north of Cluster 1 but sits off the upper eastern estate road within the layout and will deliver 4 affordable dwellings.

The final mix following negotiations will deliver 8 x 1 bed units, 14 x 2 bed units, 4 x 3 bed units, and 4 x 4 bed units. This final mix is a betterment on the previous mix approved as part of the earlier reserved matters approval. Notably the provision of the 4 bed units which will accommodate 6 persons is positive as these units will meet the needs of the larger families who are generally more difficult to rehouse. There are also ample people on the Housing Register suited to the smaller one bed units as well. The detail has also evolved so that each apartment now has its own access which reduces the issues around communal areas.

It is also be noted that the applicant is providing M4(3) units which will meet the needs of applicants who would generally require specialist adaptations within their homes. This is a positive for the package proposed. (M4(3) of the Building Regulations pertains to wheelchair user dwellings, ensuring accessibility and adaptability for individuals with mobility challenges).

In terms of layout it is considered that concentrating the provision in four clusters that are loosely seen as two groups (they sit as two pairs of clusters but are served off 4 streets which provides some loosening of the clusters) is a welcome solution as Registered Providers generally prefer such arrangements for housing management purposes.

The Council's Affordable Housing Manager has reviewed the final proposals and has advised that the affordable housing submission is supported and presents an improved offer on the previous affordable housing provision approved as part of the previously consented reserved matters. In light of the comment received the proposal is deemed acceptable in terms of an affordable housing offer.

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 an outline consent for housing. Once the development is 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, including 30 Affordable Housing units. Given the NPPF priority to significantly boost the supply of housing the additional dwellings to be provided must carry significant weight in this balance, with the benefit heightened by the inclusion of 30% of dwellings being Affordable units. The provision of housing should be given substantial weight and the provision of 30 affordable dwellings should be given very substantial weight. 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 development is supported by drainage, landscaping and ecological measures to mitigate impact, as detailed in this report. It is concluded that the environmental impacts of the development weigh neutrally within the planning balance.

Sustainability Conclusion

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

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and

weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

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

Local Finance Considerations

CIL

Not applicable to this development.

S106

Not Applicable to these Reserved Matters. The outline consent is subject to a S106 legal agreement that secures the following if a scheme is delivered;

- 30% Affordable Housing.
- Education Contributions in accordance with the adopted SPD.
- Sustainable Transport Contributions in accordance with the adopted SPD.
- Highway Works Contribution to the sum of £152,800 towards improvement works to the A385.
- Lifelong Learning Contribution in accordance with the adopted SPD.
- Waste and recycling Contribution in accordance with the adopted SPD
- Cirl Bunting Contribution £87,500.00
- Delivery of Public Open Space and SUDS facilities.
- Greater Horseshoe Bat mitigation in perpetuity

EIA/HRA

EIA: Considered at outline stage, which concluded that due to the scale, nature and location the development it would not have significant effects on the environment and therefore was not considered to be EIA development. Considering these reserved matters aside the outline proposals it is not apparent that the project would likely have significant effects on the environment and hence no further formal screening is considered necessary.

HRA: Considered at outline stage, which concluded that due to the scale, nature and location the development was not considered to have a likely significant effect on European Sites. Reserved matters applications will not normally need to re-consider HRA and as the proposed development principally accords with the form and layout of development previously presented it is not considered necessary to carry out a further HRA.

Planning Balance

The planning assessment considers the policy and material considerations in detail.

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

It is considered that the scheme in terms of addressing the Development Plan aspiration to provide housing would produce a significantly positive impact overall and help with the supply of much needed housing and the housing supply is a substantial public benefit. The provision of 30 affordable homes is also a very substantial material public benefit.

The provision of a public play area is also a significant public benefit, certainly in light of the current absence of child play facilities within the area. The nearest formal play area being at Claylands near the junction of Borough Road and Brixham Road, notwithstanding that there is a housing development nearby that is coming forward and thus likely to provide an operational play area within the short-to-medium term. The provision of allotments, orchards and public open space are further public benefits that weigh in the schemes favour.

Conclusions and Reasons for Decision

The site already has outline planning permission (with an approved vehicular access design) and is identified for housing within the Development Plan, and the proposal is broadly consistent with the approved outline application for the site. The proposal is considered acceptable in principle.

There are demonstrable public benefits that weigh in favour of the scheme, notably housing provision, including 30 affordable units, a formal equipped child's play area in Collaton St Mary, orchards, allotments and public access to informal greenspace.

The residential environment for future occupiers is acceptable and there are no unacceptable impacts upon the amenity of adjacent occupiers.

Ecology matters are duly resolved in terms of protected species, habitats and biodiversity net gain aspirations.

Flood risk will not be increased and the proposals include a detailed surface water management scheme that is supported by the Council's Drainage Engineer and there is no objection from South West Water.

The internal road and footpath network, and its connectivity, is considered acceptable, subject to some final consideration of minor matters raised by the Highway Authority.

The design and visual impact of the scheme is considered adequately resolved and a positive response for this allocated housing site and is considered to present a more positive outcome for the site to that previous approved under an earlier reserved matters application.

When considered in the round the proposed development is deemed to represent sustainable development and is acceptable, having regard to the Torbay Local Plan, the Paignton Neighbourhood Plan, the NPPF, and all other material considerations.

The NPPF guides that decisions should apply a presumption in favour of sustainable development and for decision making that means approving development proposals that accord with an up-to-date development plan without delay, or where for housing proposals within situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, granting permission 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 where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

There are no impacts on protected areas or assets of particular importance to provide a clear reasoning for refusal when considering the scheme in the round and the public benefits noted.

Officer Recommendation

Approval: Subject to;

The satisfactory resolution of outstanding highway points, to be delegated to the Divisional Director of Planning, Housing, Transport and Climate Emergency.

The conditions as outlined, with the final drafting of conditions delegated to the Divisional Director of Planning, Housing, Transport 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, Transport and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Conditions

Phasing Plan PC - TBA

Notwithstanding the submitted details, prior to the commencement of development, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall set out how the development will be implemented in accordance with an agreed timetable of works. It shall include the timing and delivery of key elements such as:

- Play space
- Public open space
- Allotments
- Orchards
- Landscaping
- Ecological enhancements
- Amenity footpaths and pedestrian links
- Other ancillary infrastructure

The phasing plan shall specify the timing of delivery for each of the above elements within each phase, referenced against the number of dwellings to be occupied in that phase.

The development shall thereafter be carried out in full accordance with the approved phasing plan.

Reason:

To ensure that essential components of the development are delivered at appropriate stages, in accordance with Policies SS2, SS9, SS10, NC1, and DE1 of the adopted Torbay Local Plan 2012–2030, and Policies PNP1(a), PNP19, and PNP24 of the Paignton Neighbourhood Plan. These details are required prior to commencement to secure the timely provision of key infrastructure in the absence of such detail within the reserved matters, in accordance with the outline consent.

BNG PC - TBA

Prior to the commencement of development details confirming the off-site delivery of no less than 0.87 Habitat Units shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure no net loss in biodiversity as a result of the development, in accordance with Condition 11 of the outline planning permission P/2019/0281 and Policies SS8 and NC1 of the Torbay Local Plan and NPPF. These details are required prior to the commencement of development to secure certainty on no net loss and accordance with Condition 11 of the outline consent.

POS elements

Notwithstanding the approved Landscaping Plans the details of benches and litter bins and their positions shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation in each phase of the development. The development shall be implemented in accordance with the approved details and phasing and maintained in that condition thereafter.

Reason: In the interests of maintaining the amenities of the area and in accordance with Policies SS11 and DE1 of the Torbay Local Plan 2012-2030

Completion of POS

The play areas, public open spaces, allotments and orchards hereby approved shall be completed in accordance with the approved Phasing Plan. Any equipment that is damaged or falls into disrepair throughout the lifetime of the development shall be replaced as soon as practicable and within a timescale to be agreed in writing with the Local Planning Authority.

Reason: In the interests of providing public open space and play facilities to meet the needs of the development further to Policies SC1 and SC2 of the Torbay Local Plan 2012-2030.

Low Carbon - PVs

Prior to the commencement of development above Damp Proof Course level details of the following measures shall be submitted to and approved in writing by the Local Planning Authority:

1. The location and arrangement of on-site renewable energy generation, demonstrated to achieve no less than 20% of subsequent in-use requirement, and;
2. Confirmation of the inclusion of Air source Heat Pumps and Waste Water Heat Recovery on all dwellings, or details identifying where they are absent from dwellings and reasoning for their absence, together with the location and arrangement of all air source heat pumps.

Where solar energy production is proposed the proposals shall as far as practicable demonstrate the following:

- (a) Be sited so as to minimise its effect on the external appearance of any building;
- (b) Be sited so as to minimise its effect on the amenity of the area.
- (c) Be detailed so as not to protrude more than 0.2 metres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope, and would be no higher than the highest part of the roof

Any solar equipment approved within each dwelling plot shall be implemented in full and made operational prior to the first occupation of the building and retained and maintained thereafter.

Where air source heat pumps are proposed their location shall as far as practicable demonstrate the following:

- (a) Be sited so as to minimise its effect on the external appearance of any building;
- (b) Be sited so as to minimise its effect on residential amenity.

Reason: In interests of tackling climate change and securing low carbon development, in accordance with Policies SS14 and ES1 of the Torbay Local Plan 2012-2030, Policy PNP1(f) of the Paignton Neighbourhood Plan, and guidance contained within the NPPF.

Levels

The development hereby approved shall be constructed in accordance with the levels shown on the approved 'External Levels Plans' (SLR Consulting).

Reason: In the interests of the visual character of the area and amenity, in accordance with Policies SS11, DE1 and DE3 of the Torbay Local Plan and the NPPF.

Waste Storage - apartments

No dwelling shall be occupied until the approved waste storage facilities serving that dwelling, including where relevant, collection day points, has been completed in full and made available for use. The facilities shall be maintained and operational at all times thereafter.

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

Cycle Parking

No dwelling shall be occupied until the approved cycle storage facility serving that dwelling has been completed in full and made available for use. The facility shall be maintained and operational at all times thereafter.

Reason: To secure an acceptable form of development and to ensure adequate facilities for visitors, in accordance with Policies DE1 and TA3 of the Torbay Local Plan 2012-2030, Policy PNP1(d) of the Paignton Neighbourhood Plan and the NPPF.

Electric Parking Provision

No dwelling shall be occupied until the electric vehicle charging point serving that dwelling has been completed and made operational in accordance with the location identified in the submitted and approved plans. The facility shall be retained and be operational at all times thereafter to serve the dwelling that it relates to.

Reason: To secure an acceptable form of development and provide adequate electric charging facilities, in accordance with Policies DE1 and TA3 of the Torbay Local Plan 2012-2030.

Residential Amenity Space

Prior to the first occupation of any dwellinghouse or apartment the identified garden amenity space to serve the property shall be enclosed in accordance with the submitted and approved boundary treatments and made available for use by that property.

Reasons: In order to protect amenity in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

Materials

Prior to their installation within the development samples of all external materials of the buildings, retaining walls, walls and structural banks, detailing where applicable the material choice and colour, shall be submitted to and approved in writing by the Local Planning Authority through the provision of physical or electronic samples.

The development shall proceed in full accordance with the details approved pursuant to this condition and all other materials shall accord with the materials schedule detailed and approved.

Each building shall be externally finished in full accordance with the approved materials schedule for that building.

Reason: To secure an appropriate form of development in accordance with Policy DE1 of the Torbay Local Plan 2012-2030, Policies PNP1 and PNP1(c) of the Paignton Neighbourhood Plan and the NPPF.

Stone Walls

Prior to installation within the development a sample panel of all new and reused stonework shall be submitted to and approved in writing by the Local Planning Authority.

The development shall proceed in full accordance with the approved detail.

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.

Secured by Design

Prior to the first use of the development evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the design of the development meets Secured by Design standards as far as practicable.

The approved measures for each dwelling/plot shall be implemented in full prior to the first occupation of each dwelling/plot and shall include security/locking arrangements for all communal stores, gates to maintenance areas, and gates to private areas of residential properties.

Development shall take place in accordance with the approved details and shall be fully implemented prior to the occupation of the building(s) to which it relates. The scheme shall be retained and maintained for the lifetime of the development.

Reason: In the interests of crime prevention in accordance with Policies SS11, DE1, DE3 of the Torbay Local Plan and Policy PNP1(g) of the Paignton Neighbourhood Plan.

Pedestrian Links

The pedestrian links to the southwest corner to Totnes Road and eastern edge to Borough Park Road shall be completed to the edge of the site and made available for public use and retained and maintained thereafter.

The approved links shall be implemented in full as detailed above or within a timeline agreed pursuant to this condition and maintained for such purposes thereafter.

Reason: In the interests of amenity and connectivity, in accordance with Policies SS11 and DE1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

Informative(s)

01. 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.

02. Conditions relevant to these reserved matters are present on the outline consent P/2019/0281.

Relevant Policies

Development Plan Relevant Policies

SS1 - Growth Strategy for a prosperous Torbay
SS3 - Presumption in favour of sustainable dev
SS8 - Natural Environment
SS9 - Green Infrastructure
SS11 – Sustainable Communities
SS12 – Housing
SS13 – Five year housing land supply
SS14 - Low carbon development and climate change
H1 – Applications for new homes
TA1 - Transport and accessibility
TA2 - Development access
TA3 – Parking requirements
C4 - Trees, hedgerows and natural landscape
DE1 - Design
DE3 - Development Amenity
DE4 - Building heights
ER1 - Flood Risk
ER2 - Water Management
ES1 - Energy
W1 - Waste management facilities
W2 – Waste audit for major development and significant waste generating developments
NC1 - Biodiversity and geodiversity

PNP1 – Area wide
PNP1(a) - Rural Character Area
PNP1(c) – Design Principles
PNP1(d) – Residential Development
PNP1 (f) – Towards a sustainable low carbon energy efficient economy
PNP1(g) – Designing out crime
PNP1(h) – Sustainable transport
PNP1(i) - Surface Water
PNP19 – Safeguarding open countryside
PNP24 – Collaton St. Mary Village