

**Application Number**

P/2014/0286

**Site Address**

Land At Area 4 South  
Scotts Meadow  
Off Riviera Way, Browns Bridge Road And  
Rear Of 1 - 21 Swallowfield Rise  
Torquay  
Devon

**Case Officer**

Mrs Ruth Robinson

**Ward**

Shiphay With The Willows

**Description**

Reserved Matters Approval for 155 dwellings pursuant to P/2010/1388 relating to scale, layout and appearance of dwellings together with hard and soft landscape designs, associated roads and footpaths. Information to satisfy conditions 4,5,9,10 and 11 relating to nesting and roosting opportunities, energy efficiency, cycle parking, refuse, phasing, management of retained hedgerows and grassland and submission of Travel Plan.

**Executive Summary/Key Outcomes**

This reserved matters application is for detailed consent for 155 dwellings at Area 4 South / Scotts Meadow. This follows the granting of consent on appeal for outline permission for up to 155 dwellings on this site.

This application seeks to provide sufficient information to fully describe the layout, scale and appearance of all dwellings on the site. This also includes matters such as landscaping, materials to be used and all boundary treatments.

The outline application granted on appeal was accompanied by detailed conceptual design and landscape plans. These established that a scheme could be devised for the site that would be 'landscape led' and would effect a transition between the more rural countryside character to the west of the site and the more suburban areas to the east.

This landscape led approach to the development is required in order to help ensure that the site's function as an Urban Landscape Protection Area is not unduly compromised.

As such it is vital to ensure that the agreed principles for the development are taken into this detailed submission and follow through to the development on the ground.

In terms of broad principles, the outline approval and this reserved matters application are largely consistent in that the housing development is confined to the same area to the east of the site and the western wedge of unimproved grassland is left free of development. This area will be managed and protected as agreed and secured by the S106 agreement.

The green edges to the site, the steeply sloping grass bank which borders Riviera Way and the tree covered slopes to the east bordering Browns Bridge Road are similarly retained and protected. The site is similarly accessed from Plantation Way and the focal point on entering the site is a well landscaped boulevard, overlooked by dwellings. This is an attractive, well designed space that creates a positive sense of arrival.

The topography of the site is challenging with steep gradients and the layout and use of house types has been evolved to ensure that changes in levels are for the most part taken up within the buildings.

However there remain a number of areas of concern in the detailed layout and design and officers have requested revisions to the plans and further information in order to overcome these concerns. In particular these relate to the provision of:

1. A revised layout to attend to the unimproved grassland lost to vehicular access and car parking. As an alternative to retention on site off-site mitigation for the loss of this grassland will be required. In that event, the site will still require re-planning in order to provide the sense of relief and openness that is required to break up the development at this point.
2. An improvement in the 'green fingers' in order to break up the blocks of houses more effectively.
3. Visual appraisals of the site in terms of strategic views to ensure that the development, which is visually prominent from the other side of the valley and when entering / leaving Torquay, is acceptable.
4. A more comprehensive set of street elevations showing the buildings coupled with landscape settings to show true integration with footways and open space.
5. A better relationship to the green edge of the site to equate with the gateway status requested by the DRP and to better relate to the retained open space of the ULPA.
6. Additional sections have also been requested along the landscaped edge to site.
7. Car parking strategy / greater use of appropriate tree planting. Details of pergolas and planting schedules / maintenance strategies. Gateway detailing to confirm a sense of place.
8. Landscape variations re types of planting.
9. Further consideration to the use of natural slate for roofing material.

10. Further assessment of external boundary treatments, particularly in relation to strategic views and public areas.

### **Recommendation**

Committee Site Visit: Conditional Approval; subject to the submission of revised plans and additional information to resolve the 9 matters identified in the body of the report. It is requested that delegated authority is granted to the Director of Place to agree these revisions/additions to the scheme.

### **Statutory Determination Period**

The 13 week deadline is on the 16<sup>th</sup> July. The applicant has agreed to submit an extension of time letter to allow the submission of revised plans and additional information following the Committee agreeing in principle with the Officer recommendation.

### **Site Details**

Area 4 South or Scots Meadow as it is more widely known, is a prominent area of grassland bounded by the A3022 (Riviera Way) to the south, Kingskerswell Road to the west, and Browns Bridge Road to the east. To the north is Swallowfield Rise.

The site is sloping and south facing, and is key in long views across the valley, the land acts as a 'gateway' on the main approach into Torquay, forming a transition between the suburban character to the edge of the town and the more open countryside to the west.

To the north and east of the site is the Willows, a residential estate of about 1500 dwellings which was approved in the late 1980s, close by to the east is its busy District Centre. This has a suburban character typical of its time. Across the valley is the low density suburban settlement of Shiphay which is long established and enjoys views across to the application site.

The site itself comprises a mix of habitats but is predominantly open unimproved grasslands with mature hedgerows, which are of ecological significance, that partly border and bisect the site. A steeply sloping highway bank defines the southern border to the site. This contains an important habitat of unimproved grassland and includes wild orchid colonies which are quite rare.

The area is defined as an Urban Landscape Protection Area in the saved Adopted Torbay Local Plan 1995-2011 as a consequence of its prominence, its function as a gateway to the town and its position in relation to adjacent countryside areas. It is much valued by local residents for its visual, ecological

and biodiversity qualities and for the relief it offers in an area where a significant amount of new development has been implemented or is in the pipeline.

Outline planning approval for 155 dwellings on the site was granted following an appeal in 2013. Although detailed concept plans accompanied the application indicating a strong landscape led approach to development of the site, the approval only fixed 'access' leaving all other matters for future approval.

This application seeks approval for 'Reserved Matters' associated with the outline approval and other conditions imposed on the consent.

### **Detailed Proposals**

This submission seeks to provide sufficient information to fully describe the layout, scale and appearance of all dwellings on the site. This also includes matters such as landscaping, materials to be used and all boundary treatments.

The application also seeks to discharge:

**Condition 4** which required details of nesting and roosting facilities as detailed in the Revised Ecological Management Plan, an Energy Efficiency Report detailing the measures incorporated in the design of the scheme to maximise the energy efficiency of the site, it also required details of cycle parking provision for each property and a refuse strategy demonstrating that each property has adequate and accessible provision for the disposal of waste and recyclable material.

**Condition 5** which this application also seeks to discharge, requires a Phasing Plan to be submitted which is required to include details of pre construction ecological management operations, implementation and timing of all highways works, parking facilities, landscaping works and foul and surface water drainage infrastructure. It is also required to include a lighting strategy, a Construction Method Statement for each phase and a timetable for completion of the Play Areas and Trim Trial and provision of Public Open Space.

**Condition 9** required details of the management regime for retained hedgerows and retained grassland areas.

**Condition 10** required details of measures to be employed to prevent degradation of open spaces and ecologically important areas by recreational use of the site.

**Condition 11** required submission of a Travel Plan.

This leaves conditions 6,7 and 8 which are pre commencement conditions to be discharged before development can be started.

### **Summary Of Consultation Responses**

*Environment Agency:* Have no objections providing the attenuation scheme is implemented in accordance with the submitted plans and written agreement is obtained that it will be maintained for the life time of the project.

*Natural England:* Have no objections providing the advice given at outline stage is reflected in the current scheme.

*Strategic Transport:* Observations awaited.

*Highways:* Observations awaited.

*Arboriculturalist:* Has concerns about tree species selected for the landscaping of the site in terms of their longevity and stature.

*Architectural Liaison officer:* Raised a variety of concerns relating to the security of design and these will be considered in the relevant section below.

*Drainage:* Requires more information in relation to the detailed design of the drainage system before consent can be granted and the condition discharged.

*Teignbridge Council:* Rraise no objections to the scheme.

The application was considered by the *Design Review Panel* at its meeting of the 3<sup>rd</sup> May. The main conclusions were as follows:

- a. That the site should be conceived as a 'gateway site'
- b. forming the 'edge condition' to the settlement. The posture of the development both locally to the fringe of protected landscape and to its broader landscape setting will be important.
- c. A less contained and more open parkland frontage 'with a confident integrated treatment' was considered the right approach which could recast the image of the bay at a key location. The
- d. cross sectional design should play a leading role in the layout of the estate.
- e. In terms of a landscape led approach the topography and hedgerows should be seen as generators of the layout and its urban design. Buildings and opportunities for movement throughout the site should respond positively to this.

- f. Connectivity could be a challenge and pedestrian and cycle movement needs to be carefully developed.
- g. The site naturally falls into distinct pockets which can be built on in terms of creating smaller identifiable neighbourhoods within the layout. This should be reinforced with a restricted number of distinct house types to create local character.
- h. In terms of parking, the large number of shared courts are not favoured. The panel would prefer to see a mix of on street, off street and a modest proportion of courtyard parking limited to 5-6 dwellings. It was recommended that the car parking strategy be reviewed in order to comply with landscape demands of the site.
- i. The scattered pockets of open space should be redeployed in key locations where it can be more closely integrated with the 'green infrastructure' of the site creating corridors of movement and ensuring management and retention of hedgerows.
- j. The sustainability of the site should be fully explored and the south facing slopes present good opportunities to maximise passive design.

The DRP assessment generated a revised layout through a workshop event. In broad terms this involved a looped access road with perimeter blocks radiating from this with fingers of landscape separating the outward facing fronts. In recognising the topographical complexities of the site, a detailed cross sectional analysis of the eastern portion of the site was considered necessary before a layout could be successfully evolved.

### **Summary Of Representations:**

There have been 6 letters of objection. 5 are primarily objections in principle to the development of this site. The principle has already been clearly established by the outcome of the appeal.

One letter includes comments about the poor quality of the proposed scheme, 1 expresses concerns about wildlife and 1 about the need for wide roads to prevent pavement parking. One letter specifically raises site specific matters in relation to loss of privacy from the inclusion of 3 storey properties along Swallowfield Drive. These matters will be addressed in the relevant section below.

A Member of the Stakeholder Consultation Group wrote expressing broad support for the scheme considering it to be modern and well designed. They did voice concern about the replacement of good quality surfacing materials on the 'boulevard' with tarmac and requested that the issue of privacy in relation to Swallowfield Rise be fully considered. These matters are addressed below.

These representations have been sent electronically for Members consideration.

### **Relevant Planning History**

P/2010/1388: Outline application fixing access only for 155 dwellings.  
Refused subsequent appeal allowed....

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

The outline appeal decision (P/2010/1388) only fixed access leaving all other matters, layout, scale, design, appearance and landscaping to be reserved for later approval.

The outline scheme was accompanied by detailed conceptual design and landscape plans that sought to establish that a scheme could be devised for the site that would be 'landscape led' and would effect a transition between the more rural countryside character to the west of the site and the more suburban areas to the east. This was required in order to help ensure that the site's function as an Urban Landscape Protection Area was not unduly compromised.

The original outline application indicated that around 40% of the site would be left as open space and that substantial elements within the design of the estate would be 'green' to reinforce the landscape qualities of the site and to mitigate the impact on views from Shiphay.

This involved retaining as open space the western wedge of green unimproved grassland which is a BAP priority habitat and the existing green perimeter to the site, retaining and reinforcing the existing network of hedges that divide the site and including generous planting swathes within the body of the estate.

In terms of the broad layout form and scale, it is necessary to consider to what degree the Reserved Matters submission delivers the promise of the indicative conceptual plans.

Within this, the issue of security of design, the amenity of neighbouring properties and the quality of architectural treatment/materials can be given consideration. It is also necessary to consider to what degree the remaining conditions are satisfied.

## **Do the Reserved Matters Deliver a Landscape Led Approach to Development?**

In terms of broad principles, the outline approval and this reserved matters application are broadly consistent in that the housing development is confined to the same area to the east of the site and the western wedge of unimproved grassland is left free of development and will be managed and protected as agreed and secured by the S106 agreement.

The green edges to the site, the steeply sloping grass bank which borders Riviera Way and the tree covered slopes to the east bordering Browns Bridge Road are similarly retained and protected. The site is similarly accessed from Plantation Way and the focal point on entering the site is a well landscaped boulevard, overlooked by dwellings. This is an attractive, well designed space that creates a positive sense of arrival.

An informal series of shared spaces for pedestrian and vehicular movement form a looped route around the site from which radiate loosely arranged blocks of housing. These are grouped in distinct pockets reflecting subtle changes in design and materials to create 'free standing small communities' within the wider development.

The topography of the site is challenging with steep gradients and the layout and use of house types has been evolved to ensure that changes in levels are for the most part taken up within the buildings to avoid the use of retaining structures of the sort which are prevalent on the neighbouring estate. House types vary from reverse level 2/3 storeys to single storey bungalows to pick up changes in level across the site.

Permeability is strongly embedded in the overall layout of the scheme with a series of footpaths which link the site with the wider area and the existing hedgerows are protected and create through the inclusion of footpaths along their length a key component of the landscape of the site.

The intention is to introduce a more modern contemporary design and palette of materials that will set this apart from the more suburban character of the Willows and help create a scheme of some quality that will form the a new gateway to the town. External works are proposed to be a rustic mix of Devon banks, stone walls, timber detailing.

There are detailed landscape proposals with an ambition of creating green fingers of landscape to push up through the blocks of dwellings reinforcing the transitional role of the site in terms of landscape function.

In terms of the detail of the scheme, the translation from conceptual analysis to reality is often fraught, as site constraints such as the acuteness of levels and other topographical issues can inhibit implementation of the scheme as envisaged.

In simple terms, once the site constraints are more clearly understood, accommodating the specified number of units in the way shown becomes difficult and poorly arranged cramped layouts can result. This is often only evident in detailed applications.

In this case, the steepness of the levels on the site, have led to 2 major changes to the 'outline' layout.

The original layout included a loop road which was required to be of a sufficient width to allow buses to navigate. The width of the road, the need to include footways and the severity of the slope meant that significant excavation would have been required along with the construction of extensive retaining structures. This would have resulted in a particularly engineered structure with a significant land take and dominating impact.

Highways agreed an alternative vehicular movement strategy which, whilst denying bus access, delivers a more pedestrian and visually friendly solution. This includes reduced width roads and informal shared spaces which are more conducive to a landscape led form of development.

The second significant change to the layout involves the loss of the indicative play area and its associated open space which, in the outline scheme was shown to occupy an area of unimproved grassland in the south eastern portion of the site. Due to the levels across the site the applicant states that it has not been possible to access the most south easterly portion of the site, which contains around 50 dwellings, without sacrificing this area of open space to provide vehicular access. Further dwellings are now proposed along the new access road and as such this space is now shown as substantially developed.

Whilst the play equipment has been relocated, it is not as centrally located as it was in the outline application and the space lacks the relief and break in the urban form that was envisaged. There are also biodiversity implications as the land is unimproved grassland which is a priority BAP habitat.

The applicants have been asked to look at this again. Whilst it may be possible to mitigate for the loss of the BAP grassland habitat off site, this would not be ideal.

Otherwise, the broad layout of the developed area is consistent with the outline application.

The DRP made a series of suggestions regarding the layout and internal detail of the built area; how it should address the landscaped edges of the site particularly along the southern boundary creating a 'parkland gateway' and so the 'edge condition' to the settlement. The DRP also commented on how it should rationalise the incidences of green space and create a more integrated structure to the site built around the existing hedgerows and topographical features. A small group of distinct house types and a rationalised parking strategy could help deliver a 'sense of place'. Whilst the broad principles are embodied in this application there is some question in relation to the detail.

The site broadly falls into a lower density arrangement of dwellings to the north of the site where the traffic noise is reduced and level changes are gentler with a tighter more dense arrangement of dwellings to the south. This is largely where the topography is most challenging and the impact of traffic is most apparent. This has raised a number of matters of concern in relation to the layout, arrangement and relationship of dwellings.

A detailed critique was sent to the applicant on the 1<sup>st</sup> May raising a series of concerns about:

- 1, the visual impact of some dwellings particularly those along the eastern ridge,
- 2, the relationship of dwellings on the margins of the site to the retained swathes of open space and footpath links,
- 3, the degree to which this relationship created the 'parkland gateway' envisaged by the DRP,
- 4, whether the redeployment of incidental pieces of open space to create a meaningful landscape / movement strategy built around the hedgerows was successful, and;
- 5, whether the extensive areas of parking courts, which had already been criticised by the DRP, were acceptable in design terms

The poor 'front to back' relationship of some dwellings to pedestrian routes and the poor streetscape created by dwellings presenting side elevations to the street has also been challenged, as was the use of artificial rather than natural slate for the roof finish. Some of these points were echoed in the Architectural Liaison Officers comments along with more detailed comments about the inclusion of numerous routes into private areas which could compromise security.

This called for a substantial amount of additional information to be supplied in respect of sections through various parts of the site to allow a better understanding of how dwellings related to areas of open space/footways. Furthermore there is a need for an increase in the number of street elevations supplied so that a clearer understanding of the appearance and visual integration of building with landscape is possible. An improved strategy for parking design, an uplift in the quality of materials and a significant amount of redesign in terms of layout and house types is also needed to ensure a satisfactory relationship to primary frontages. This information has been supplied in part, although too close to the deadline for this committee report to allow a detailed assessment of the changes.

It is possible to confirm that the relationship of plots 1-5 along the eastern ridge is now shown to be satisfactory, subject to the improved quality of boundary treatment extending all around the garden plots. In respect of plot 119 it needs to be shown that the side view is appropriately detailed in terms of boundary treatment and that supplementary planting to the gap in the woodland edge is delivered as the applicant promised.

It is also demonstrated that the relationship to properties along Swallowfield Rise is acceptable. The section indicates a minimum back to back distance of 23m and only a 2 storey face to the rear of the new dwellings rather than three as feared by the objectors.

Concerns about the arrangement of plots 8-35 are now resolved and the rear area, which in the original submission had the character of a parking court is now stronger in terms of natural surveillance and has assumed a more street like character.

In terms of layout and scale it is now the case that plots 1-59 are acceptable.

The balance of the plots, 60-155 where the density is higher, the levels are more acute, and the relationship to open space more critical, are still not wholly resolved. Street elevations that include the building and its associated landscaping may assist in determining whether the scheme gets close to delivering the 'parkland' edge and whether the network of footpaths are truly overlooked and integrated. Several key street elevations were requested but have not, at the time of writing, been supplied. Neither have the visual appraisals showing the site in key strategic views. More work on the critical 'green fingers' of landscaping has also been requested.

An illustration of the need for a more detailed representation of visual impact and relationship to the open space is typified by plots 60 to 92. This area abuts the retained grassland alongside Browns Bridge Road.

The footpath, which is a prominent public route is overlooked by the rear of a garage block and flank elevations of 2 dwellings which are side on to the open space. Following concerns, these dwellings are to be 're-elevated' to provide

some improved relationship with the public footway and a street elevation provided. This, coupled with sections to illustrate the change in levels may show that this is a perfectly acceptable relationship that will deliver the 'edge condition' to the town that the DRP felt the scheme should achieve. However, this has so far not been demonstrated.

The applicants were also requested to refine their car parking strategy. The original submission relied heavily on the use of extensive parking courts rather than a mix of in curtilage parking, some on street parking with small well landscaped courtyards. This results in a very dense urban character which does little to create a 'green character' to the site. The greater use of pergolas which are described as having 'masonry piers which will better stand the test of time' are suggested by the applicant. However, no drawings or planting schedules have been supplied to confirm the 'improved' appearance. It may be that more tree planting in smaller courts which in time will substantially increase the green cover of these areas may be a better option, but this does require some further analysis. The applicants were also requested to provide some detail of the entrance features to the courtyard parking. These could be designed in a way to bring some unity to the street scene, help create a sense of place and make it evident that these are 'defensible' private areas. Again, this has not been provided yet.

In terms of materials, the use of render, weatherboarding, natural stone plinths and grey UPVC windows is proposed. The use of 'lindab' rainwater goods on the lower density, more expensive dwellings is welcomed. However, this is largely confined to the less publicly visible parts of the site and the more highly visible dwellings are treated in UPVC. Nonetheless, the use of stone and weatherboarding does create a modern contemporary feel to the dwellings which sets it apart from the more traditional suburban dwellings within the Willows.

The roofscape will be a major feature of the site, particularly in long views across the valley and from key strategic vantage positions. For this reason, the use of natural slate rather than a fibre cement finish is thought a more appropriate solution. The applicants consider the palette offered is 'of a higher quality than those prevalent in the adjoining development'. However, the design and access statement promotes the scheme as using high quality, **natural** materials and given its ULPA status and gateway function the use of a material that will give such a prominent piece of townscape a better colour, texture and sheen seems wholly appropriate.

The external walls are shown to be a mix of natural stone and render which is acceptable, although the incidence of natural stone walling may need to be increased in certain critical points. The use of timber fencing in prominent positions is not encouraged and given the late/incomplete nature of the information, this requires further assessment.

The applicant has proposed a range of surfacing materials to produce a variety of pedestrian spaces within the scheme. The aim is to produce a series of shared spaces serving both vehicular traffic and promoting pedestrian movement.

Highways are reluctant to adopt some of these materials and the use of granite setts in the entrance square has been replaced by buff tarmac due to concerns about maintenance. This change has been criticised by the Stakeholders meeting who wish to see good quality surface materials retained. Currently Highways formal comments are awaited and this will have to be updated at the meeting.

There are numerous footways, some concentrated around the existing hedgerows to create a green infrastructure, which links the site to its surroundings. This permeability is a positive aspect of the site design. However it is important that they are well integrated with the housing and fully overlooked and do not unnecessarily encourage the casual wanderer to compromise the residents' expectations of personal security. This is a difficult balance to achieve and the Architectural Liaison Officer has commented on instances of unwarranted security breaches and has asked for greater overlooking of footpaths and car parking courts. This can be assessed better when the additional information in relation to street elevations and house types is available.

In terms of landscaping, whilst the broad concepts are acceptable, the species, particularly trees are not the most suitable or long lived and alternative tree species are being sought. This should be reconsidered once the layout is fully resolved. The prominence of the green fingers may be enhanced by more strategic tree types.

To sum up the following matters still require attention to produce acceptable reserved matters that will meet the promise of the original outline and the suggestions of the DRP.

1. A revised layout to attend to the unimproved grassland lost to vehicular access and car parking. As an alternative to retention on site off-site mitigation for the loss of this grassland will be required. In that event, the site will still require re-planning in order to provide the sense of relief and openness that is required to break up the development at this point.
2. An improvement in the 'green fingers' in order to break up the blocks of houses more effectively.
3. Visual appraisals of the site in terms of strategic views to ensure that the development, which is visually prominent from the other side of the valley and when entering / leaving Torquay, is acceptable.
4. A more comprehensive set of street elevations showing the buildings coupled with landscape settings to show true integration with footways and open space.

5. A better relationship to the green edge of the site to equate with the gateway status requested by the DRP and to better relate to the retained open space of the ULPA. Additional sections have also been requested along the landscaped edge to site.
6. Car parking strategy / greater use of appropriate tree planting. Details of pergolas and planting schedules / maintenance strategies. Gateway detailing to confirm a sense of place.
7. Landscape variations re types of planting.
8. Further consideration to the use of natural slate for roofing material.
9. Further assessment of external boundary treatments, particularly in relation to strategic views and public areas.

In addition to satisfying the reserved matters, the application seeks to discharge:

**Condition 4:** Details of nesting and roosting facilities, energy efficiency, cycle parking and waste strategy.

**Condition 5:** Phasing plan, implementation of pre-construction ecological operations, highway works, parking, landscaping, drainage, lighting strategy, construction method statement and timetable for completion of play areas, trim trail and public open space.

**Condition 9:** Management regime for retained hedgerows and grassland.

**Condition 10:** Measures to prevent degradation of open space

**Condition 11:** Travel Plan.

In respect of condition 4, a report detailing how the measures incorporated into the design of the scheme have maximised the energy efficiency of the site has not been supplied, neither has the phasing plan required to satisfy condition 5. This also requires submission of a lighting strategy and construction method statement which are not provided. The matters relating to the ecological management of the site have been supplied and for the most part are acceptable.

Condition 11 is satisfied by the submission of a Travel Plan. It has a target of reducing car journeys by 10% which is a fairly modest ambition. Highways comments on the acceptability of this target and the means of achieving this is awaited.

Conditions 6, 7 and 8 which are also pre commencement conditions have not been applied to be discharged and will need to form the basis of a further application.

## **Conclusions**

In terms of satisfying the reserved matters, revised plans and further information are required to confirm an acceptable scheme as detailed above. The matters are of detail rather than strategic significance and it is therefore recommended that approval of revised plans and the other outstanding information is delegated to the Director of Place to agree.

## **Relevant Policies**

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