

Application Number

P/2014/0983

Site Address

Land South Of Yalberton Road
(Yannon's Farm)
Paignton
Torbay

Case Officer

Mrs Helen Addison

Ward**Description**

Outline mixed use proposal for phased residential development (Use Class C3) of up to 192 dwellings and employment development (Use Classes B1 and B8) of between 7,400 sq m and 9,200 sq m floor area, together with the provision of ecological mitigation measures, public open space and other associated infrastructure. (Means of access to be determined only) (Revised Scheme) (THIS IS A DEPARTURE FROM THE ADOPTED TORBAY LOCAL PLAN 1995-2011)

Update Report

This application was approved at the Development Management committee meeting on 14.12.15 subject to successful resolution of technical issues, ecology, completion of a S106 agreement and conditions within six months of the date of the meeting. During this time work has continued on resolving the outstanding matters, but it has not been possible to resolve all issues within the six month deadline, as a number are complex. Therefore a further extension of time is requested until 31st August 2016. The applicant is agreeable to this.

It has been necessary to make minor revisions to the content of the S106 agreement and Members agreement that these are acceptable is requested. These revisions are:

- The applicant has agreed to provide a policy compliant level of affordable housing at 30%. It was originally proposed that this should include up to 5% self build plots. The provision of affordable self build plots has not proved possible to deliver due to a lack of certainty from housing associations and therefore it is proposed to delete this requirement. The affordable housing requirement to remain at 30%.
- Development of the site must allow for pedestrian, cycle and public transport links to the Western Power Distribution site as well as the neighbouring site at the former Yannons Farm
- Provision of an off-site bat barn in accordance with the Ecological Design Strategy submitted in support of the application
- Inclusion of provisions to ensure that no less than 2.09ha of the site is available

for employment purposes and to ensure that the employment land is actively marketed

- £5,000 to make and implement a Traffic Order to extend the 30mph speed limit on Yalberton Road.

Original Report to DMC 14.12.15

Executive Summary/Key Outcomes

The application has been submitted in outline with all matters reserved except access. It proposes the development of the remainder of the employment allocation (Policy E1.16(c)) in the Adopted Torbay Local Plan 1995-2011 ('the current Local Plan'), including land allocated for strategic landscaping and part of the Countryside Zone/Area of Great Landscape Value (AGLV) to the west. This land is allocated as a Future Growth Area in the emerging Torbay Local Plan - A landscape for success 2012-2030 ('the new Local Plan'), except for a field to the south of the site which is allocated as Countryside Zone.

The application site comprises two parcels of land. The main site to the west adjoining Yalberton Road is 10.16ha in area, while the smaller site to the east between Torbay Pharmaceuticals and Yannons Farm local centre is 1.31ha. The total site area is 11.47ha. The proposals are to develop up to 192 dwellings and employment development (Use Classes B1 and B8) of between 7,400 sq m and 9,200 sq m floor area, together with ecological mitigation, public open space and other associated infrastructure. The site excludes part of the field within the Countryside Zone, which is proposed as a 'high meadow' for ecological mitigation - this will be used to partly compensate the loss of cirl bunting habitat on the site. The Council issued an EIA screening opinion in December 2014 concluding the proposal is not EIA development.

The revised illustrative masterplan submitted with the application indicates that the smaller site shall be used wholly for employment development, while the main site to the west shall comprise employment development to the north adjoining Yalberton Road with residential development to the south. Access to the main site will be provided via a new roundabout on Yalberton Road at the junction with Alders Way, while access to the east site will be provided via a new access road on Wilkins Drive. Yalberton Road will be widened to provide a 6.5 metre carriageway along the frontage of the Western Power station site and a shared footpath/cycleway to the proposed Brixham Road Western Corridor highway improvement works at the Brixham Road/Yalberton Road junction, which are scheduled for autumn 2016. In addition, a secondary emergency access shall be provided to the main site further along Yalberton Road to the west. A link to the adjoining Yannons Farm development site shall be secured in the s106 agreement, which will need to provide access for public transport, pedestrians and cyclists.

The principle of the proposed development for a mix of housing and employment is considered to be acceptable by officers and in accordance with the provisions of the current and new Local Plans, taking material considerations into account. It will deliver

up to 192 dwellings, helping to maintain a 5 year housing land supply and a significant amount of employment development generating a large number of jobs; it will also contribute to upgrading the Brixham Road/Yalberton Road junction. However, a condition is necessary to ensure that the layout of housing at reserved matters stage will not prejudice the future reuse of the allocated waste site at Yalberton Tor Quarry as a waste management facility, which Strategic Planning officers have confirmed must be retained in accordance with Policy W3 (current and new Local Plans).

At the time of writing this report the final comments of the Local Highway Authority are awaited to confirm that the proposed access arrangements are safe and deliverable, and will not have a severe impact on the local highway network, including the capacity of the Brixham Road/Yalberton Road junction. Initial indications are that the principle of the access arrangements along Yalberton Road is acceptable, subject to the proposed highway improvement works being carried out, but the proposed fallback option proposed is unacceptable, due to safety concerns with the proposed pedestrian crossing on Yalberton Road adjacent to the Sainsburys petrol filling station. An update will be provided by officers at committee. A shortfall in funding to deliver the highway improvement works, to the junction of Brixham and Yalberton Roads, will need to be paid for by the developers and secured in the s106, together with other s278 funding for highway works along Yalberton Road outside the site boundary.

Insufficient information has been submitted to enable the Council to carry out a Habitats Regulations Screening Assessment of the proposed development, however further information is being prepared and is expected to be submitted by the applicants shortly. The Council's external ecological adviser on the South Hams SAC has been working with the applicants' ecologists to ensure that this information is satisfactory. If a Habitats Regulations Assessment has not been carried out by the time of the committee, or if an Appropriate Assessment is required, officers will recommend the application be deferred to provide more time to resolve these matters. A detailed civil bunting mitigation/compensation strategy is also required before planning permission is granted. The RSPB currently object to the application, due to inadequate information in this regard. It is understood that a strategy is being prepared by the applicants' ecologists to provide compensation on the field to the south of the site and other offsite land at Cockington and off Long Road. An update will be provided by officers at committee.

Despite concerns raised by local residents, the drainage proposals (foul and surface water) are considered to be acceptable for approval at this stage, subject to conditions. This has been agreed by South West Water and the Engineering department - on behalf of the Council as Lead Local Flood Authority. However, Engineering officers have requested details of an offsite surface water drainage connection in case it is not possible to infiltrate all of the surface water run-off from the site, prior to determination. This information will be sought from the applicants prior to committee.

The applicants propose to deliver the policy compliant level of affordable housing (30%), but have requested flexibility on tenure mix. This will need to be agreed by the Head of Asset Management and Housing, while the s106 is drafted. Together with the site acceptability matters discussed above, the s106 will need to secure sustainable

development contributions towards local infrastructure, including schools and Paignton Library. Precise figures cannot be calculated at this stage, as the application is in outline, but the total contribution is estimated to be approximately £800k.

Officers recommend approval of the revised application, subject to the successful resolution of the technical issues above. The principle of developing the site for housing and employment use accords with the Future Growth Area in the new Local Plan and will go a long way in helping to meet local housing needs and economic growth. Whilst officers will provide Members with a full update at committee, should any technical matters remain outstanding, officers will seek Members' approval to delegate these to officers to resolve with the applicants within three months of the committee, or the application will be brought back to committee for full reconsideration. The only exception to this is if a Habitats Regulations Assessment has not been carried out, or an Appropriate Assessment is required, in which case officers will recommend deferral. In effect, Members will be asked to approve the application in principle; however, Members could also decide to defer the application or refuse it if they consider it does not fulfill the policy objectives of the new Local Plan.

Recommendation

Conditional approval; subject to the successful resolution of technical issues relating to access arrangements, ecology mitigation/compensation and s106 legal agreement relating to timing of provision of employment development, timing of highway improvement works and occupation, secure 30% affordable housing, including up to 5% self build plots, and necessary contributions within 3 months of the date of this committee or the application be reconsidered in full by the committee; conditions listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Executive Director of Operations and Finance.

NB. If a Habitats Regulations Screening Assessment has not been carried out by the time of the committee, or if an Appropriate Assessment is required, officers' recommendation will change to deferral to provide more time for these matters to be resolved.

Statutory Determination Period

The application was validated on 03.12.2014. The statutory determination date was 05.03.2015 (13 weeks), but an extension of time is currently agreed to 15.12.2015.

Site Details

The site comprises two parcels of land adjacent to the Yannons Farm development site to the west of Brixham Road on the outskirts of Paignton. The larger parcel of land to the west is 10.16ha in area, while the smaller parcel of land to the east is 1.31ha. The total site area is therefore 11.47ha. The majority of the site is located within the Future Growth Area of the new Local Plan, except for the south part of the main site to the west.

Both parcels of land comprise agricultural fields bounded by hedgerows. The west site includes an important group of remnant elm trees and a derelict stone barn. In addition,

overhead power lines cross the west site to the north. Both sites have sloping topographies. The west site has a north facing slope that rises by about 50 metres to a high point near the top of the hill to the southeast. However, the west site excludes a large part of the field near the top of the hill, which is proposed as a 'high meadow for ecological mitigation and biodiversity'. A footpath is proposed around the meadow and the high point is within this strip of land. The bulk of the west site rises by about 35 metres to a point further down the slope. The topography is steeper to the west, with a gradient of about 1:7. In comparison, the east site has a consistent slope of 1:12, rising 13.5 metres north to south.

The main site to the west is bounded by Yalberton Road to the north, the Western Power electricity station and Yannons Farm development site to the east, agricultural fields to the south (beyond which is South Devon College), and open countryside to the west. To the north of Yalberton Road is Yalberton Tor Quarry, which is allocated as a waste site in the new Local Plan, and the Rodgers/Yalberton industrial estates.

The smaller site to the east is bounded by Sainsburys car park to the north, Yannons Local Centre and residential properties to the east, Wilkins Drive (with newly constructed housing beyond) to the south, and Torbay Pharmaceuticals to the west. This site has an existing access to the north via a right of way to the rear of Sainsburys, which leads to Yalberton Road.

The east site and a large area of the west site are allocated for employment development in the current Adopted Local Plan. The land to the south and west of the main site is designated as Countryside Zone and Area of Great Landscape Value (AGLV). The edge of the employment allocation and a strip running through the east site is also allocated for strategic landscaping.

The east site and majority of the west site are located within the Future Growth Area for housing and related development in the new Local Plan. The exception is the field to the south of the west site near the top of the hill, which is designated as Countryside Zone (NB. AGLV designations have been removed from the new Local Plan). As stated above, a large part of this field is excluded from the site to the south, except for a strip around the edge which is proposed as a footpath.

The whole site is located within the greater horseshoe bat sustenance zone associated with the South Hams Special Area of Conservation (SAC) at Berry Head; the northwest corner of the main site is also within a strategic flyway. The whole site is located with the Critical Drainage Area (CDA).

Detailed Proposals

The application has been submitted in outline with all matters reserved except access. The current description is for a mixed use, phased residential development of up to 192 dwellings and employment development (Use Classes B1 and B8) of between 7,400 sq m and 9,200 sq m floor area, together with ecological mitigation, public open space and other associated infrastructure. The Council issued an EIA screening opinion in December 2014 concluding the proposal is not EIA development.

The application has been amended during the course of the application. This has mainly been to the level of employment provision. The original proposals included approximately 8,500 sq m employment floor area (Use Class B1), but this was revised down to 6,605 sq m (B1 and B8) in the first amendment (June 2015); the proposed community use of the derelict barn was also removed from the proposals. The amount of housing has remained the same.

During the course of the application, officers have secured, through negotiation, a number of improvements to the proposal, including:

- increased employment floorspace;*
- revised site layout (illustrative) to ensure noise issues are overcome and reuse of the allocated waste site at Yalberton Tor Quarry is not prejudiced;*
- improved connections between the site and Yannons Farm development;*
- biodiversity enhancements and ecological off-setting; and*
- delivery of junction improvements on Brixham Road.*

The detailed access proposals include a new roundabout on Yalberton Road at the junction with Alders Way and widening of Yalberton Road to the south in order to provide a shared footpath/cycleway. The existing hedgerow to the south of Yalberton Road will be removed and a new 2 metre wide Devon hedgebank laid adjoining the shared footpath/cycleway. The new carriageway will be 6.5 metres wide and the footpath/cycleway will be 2.5 metres wide. The site boundary extends eastwards along Yalberton Road and includes the front of the Western Power site to accommodate the road widening. Beyond the site boundary, it is proposed to continue the shared footpath/cycleway along the south side of the road, to the front of Sainsburys, to link up with the proposed Brixham Road Western Corridor highway improvement works scheduled for autumn 2016. These works include a footpath to the front of McDonalds and a pedestrian crossing on Brixham Road to the south of the junction. The applicants will pay for these works, including the upgrading of the pedestrian crossing so that it is signalised, via s278 funding. It is expected the scheme will be delivered by July 2017. If the scheme is not delivered, the applicants have proposed a fallback option incorporating a toucan crossing on Yalberton Road adjacent to the Sainsburys petrol station and the continuation of the shared footpath/ cycleway along the north side of Yalberton Road, to a pedestrian crossing on Brixham Road, north of the junction.

Therefore, access to the main site will be provided via a spur road on the new roundabout, with the continuation of the shared footpath/cycleway into the site. A 3 metre wide emergency access will also be provided further along Yalberton Road to the west. A link is also proposed to the Yannons Farm development site to the south, although this will be secured in the s106 agreement and details will be provided at reserved matters stage, as this part of the Yannons Farm development site is currently subject to an outline planning application and the detailed layout of this land has not been finalised. The smaller parcel of land to the east shall be accessed via a 5.5 metre wide access road off Wilkins Drive to the south, with the continuation of footpaths either side of the road into the site.

Details of layout, scale, appearance and landscaping are reserved matters. However, the applicants have provided an illustrative masterplan indicating the broad layout of the proposed development. The smaller east site is indicated as employment development in its entirety. The main site to the west is split into a number of development parcels. The land adjoining Yalberton Road is indicated as employment development, while the land to the south further up the slope is indicated as residential development. A linear open space, including a play area is indicated to the north of the site and a community orchard is indicated to the south adjacent to the existing derelict barn. The barn is indicated as being retained for ecological habitat. An existing overgrown agricultural track leading up to the barn will be retained and enhanced as a dark bat corridor. A circular access route is indicated, which cuts through the bat corridor in two places. This is also shown traversing the steep part of the site to the west. A pond is indicated in the northwest corner to provide sustainable drainage. As previously explained, a large part of the field to the south of the site is not included in the application site boundary. It is proposed as a high meadow for ecological mitigation and biodiversity, with an area set aside for mixed native woodland. A recreational footpath is proposed around this area, with a footpath link to the adjoining Hilltop Park in the Yannons Farm development.

Summary Of Consultation Responses

Consultees were reconsulted on 11 November 2015 following amendments to the application description of development and submission of further information, including a revised illustrative masterplan. Consultees have 21 days to respond. At the time of writing this report, 3 days remain of this consultation period and some responses are still outstanding. These shall be provided as late representations.

Strategy and Project Delivery Team/Highways ('Local Highway Authority'): Comments awaited on latest consultation. Previously objected, as unable to conclude that the applicants can demonstrate the development will have a safe and suitable access for all. Nor can the development currently demonstrate connectivity to the adjacent residential development in a way which would enable sustainable transport modes to be maximised. There is also a lack of information to demonstrate that the junction (Yalberton Road and Brixham Road) has capacity to serve the proposed development, without causing severe impacts.

Environment Agency: No objection to latest drainage proposals, although acknowledge since April 2015 they are no longer the statutory consultee in relation to drainage matters. Advise that the application should not be determined until such time that clarity regarding a critical aspect of one of the surface water drainage options proposed is given by the developer to the satisfaction of the LPA, i.e. confirmation that a defined point of discharge is deliverable if infiltration is unviable.

Previously advised that Yalberton Tor Quarry could conceivably become an operational waste disposal and/or treatment site again. The introduction of new residential receptors immediately adjacent to the site would not be a desirable outcome, and would likely introduce significant challenges for achieving acceptable emission control, particularly for noise and other amenity issues, depending on the precise waste management

activity taking place.

Historic England: Comments awaited on latest consultation. Recommended previously the application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

Natural England: Comments awaited on latest consultation pending submission of a revised Ecological Impact Assessment (EclA) and completion of a Habitats Regulations Assessment by the LPA. Previously advised that the application has the scope to adversely affect the favourable conservation status of the Berry Head greater horseshoe bat maternity colony, which is a designated SAC. Therefore, the local authority must carry out a Habitat Regulations Assessment in accordance with the Habitats Regulations. However, advise that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. Therefore, further information is required from the applicants.

Standing advice applies to other protected species. Advise that the authority should consider securing measures to enhance the biodiversity of the site if it is minded to grant permission. These should be set out in a comprehensive EclA. Note the RSPB have concerns regarding impacts on cirl buntings and advise that these are resolved before determining the application. The authority should assess the impacts on local designated sites, species and landscape character, which are also material considerations.

Engineering (on behalf of Torbay Council as Lead Local Flood Authority): The preliminary design of the proposed infiltration basin (pond) is satisfactory for the site. The developer should confirm where the Greenfield run off rate from the site will be connected if - following the detailed infiltration testing - it is not possible to infiltrate all of the surface water run-off from the site. No objection, subject to this being confirmed and pre-commencement conditions regarding detailed drainage design.

RSPB: Comments awaited on latest consultation pending submission of a revised Ecological Impact Assessment (EclA) and cirl bunting mitigation strategy. Previously objected because onsite mitigation and offsite compensation proposals with respect to cirl bunting impacts are not yet adequate. This should be based on 1 pair onsite and 7 pairs offsite. It is unlikely skylarks would use proposals for skylark plots on the site and cirl bunting management is the priority for habitat creation. It is possible that there will be human disturbance to the barn that may deter owls from using it. Cirl bunting mitigation/compensation will need to be provided and managed to provide adequately for both greater horseshoe bats and cirl buntings.

Barn Owl Trust: Makes recommendations for mitigation/enhancement based on the Barn Owl evidence in the derelict barn on the site. This includes providing a temporary roosting/nesting box during construction works until permanent provision is made. A pre-development survey must be carried out to ensure no birds are nesting within three days of works commencing. A permanent nesting place for Barn Owls must be provided within one or more of the developed buildings and maintained thereafter. Welcomes

recommendations for the creation of rough grassland habitat.

South West Water: Not satisfied that the public foul drainage network has capacity to support the development without causing downstream property flooding. Therefore, if the application is approved, the following condition needs to be imposed:

No development shall commence until:

- a) a detailed survey and evaluation of the public foul sewerage network has taken place (at the Owner's expense) to identify improvements necessary to be funded in advance and executed to accommodate the discharge of foul sewage from the Development; and*
- b) the Owner has submitted an application to the relevant Sewerage Undertaker for a public foul sewer requisition under s98 of the Water Industry Act 1991 (which shall include the provision of public sewerage improvement works identified as necessary).*

No dwelling hereby approved shall be occupied or brought into use and there shall be no discharge to the public foul sewerage network, unless approved in writing by the Local Planning Authority (as in accordance with the scheme of improvement works identified by the Sewerage Undertaker as necessary to accommodate the discharge of foul sewage from the Development).

Police Architectural Liaison Officer: Consideration should be given that the development is constructed to meet full Secured by Design (SBD) compliance. Happy to advise further at reserved matters stage.

Torbay Development Agency: No response.

Arboricultural Officer: The access proposals are suitable for approval on arboricultural merit. Mitigation tree planting should be sought in the realigned Devon hedgebank. The indicative access road south of the proposed roundabout abuts an important group of remnant elm trees, which should be retained and regarded as significant constraints in the future layout. The road, including footways and associated service runs, should be aligned to avoid disturbance to the root protection areas of these trees. A Landscape and Ecological Management Plan (LEMP) must be secured following agreed landscape design of street trees, groups, shrub masses, etc. The detailed landscaping scheme should address the requirements of the rural location against the need to provide sustainable trees of seasonal interest. Trees should be positioned at arrival points and planted in hedgerows. The proposed orchard requires detailing out at an early stage. The detailed landscaping plan should integrate use of storm water runoff to water tree pits.

The siting of the emergency access is acceptable, subject to a method statement to prevent damage to rooting zones of the lime tree. Additionally any widening should be achieved by works to the pillar away from the stem.

Building Control: Comments awaited on latest consultation, but previously advised that the Building Regulations do not apply.

Community Protection: Objected previously, due to residential uses indicated adjacent to Yalberton Road, close to Yalberton Tor Quarry, and the potential for adverse noise impacts from the waste site and associated HGV movements. However, in response to the latest consultation, following the submission of a revised illustrative masterplan, stated that their previous concerns regarding noise from the allocated waste site are now greatly reduced, due to the proposed introduction of employment uses adjacent to Yalberton Road to provide a buffer to the proposed residential uses. Recommend conditions to limit the hours of use of the employment uses and deliveries.

Head of Asset Management & Housing: It is to be commended that the scheme will be providing the policy requirement of 30% Affordable Housing, which on a scheme of 192 dwellings will generate 58 affordable homes. These will be a variety of affordable housing tenures including 1/3 social rent, 1/3 affordable rent, 1/3 shared/home ownership including up to 5% self/custom build which will assist in meeting the variety of housing need. The mix of house types and sizes will be proportionate to the development as a whole and subject to the completion of a satisfactory S106 agreement which will set out the details around specification, location etc. then Housing Services are in support of the application.

Natural Environment Services: Comments awaited on latest consultation pending submission of a revised Ecological Impact Assessment (EclA) and bird bunting mitigation strategy. Previously advised that the proposed amounts of green infrastructure, open space and play should be secured via s106 agreement. Further details of these areas, including on-going management in perpetuity, will need to be secured by condition. Given the results of the ecological surveys, the detailed design and on-going management of these areas must be developed in consultation with Natural England and the RSPB. In addition, a contribution towards off-site sports facilities should be secured in accordance with the Planning Contributions and Affordable Housing SPD. This should be calculated on the basis of £394 per person, as 'equipped facilities for young people' and 'greenspace' are indicated to be provided onsite. A Landscape and Ecological Management Plan (LEMP) must be secured.

Senior Historic Environment Officer: Previous proposals for this area have included Archaeology and Cultural Heritage Assessments that have indicated the presence of Romano-British finds and the potential for previously unrecorded archaeological deposits. The red line for this area additionally includes an area to the north where the HER records the potential for an ancient earthwork (MTO21379) at SX 286930 59080. Therefore, the archaeological condition recently approved by Historic England should be attached to any outline planning permission.

Urban Design Officer (Landscape): The submitted Landscape and Visual Impact Assessment (LVIA) is in accordance with best practice. Only criticism is that by restricting the zone of theoretical visibility to a 2.5 km radius some long views from Barton Pines, Beacon Hill and Windmill Hill, have not been considered. However in

these distant views the site is a very small component of a much wider landscape and will be seen against the backdrop of Paignton's existing urban edge. The proposed development site extends beyond the boundary of the Future Growth Area to the southwest, but does not consider that this small extension will increase the visual impact of the wider development. The LVIA is considered accurate and its summary and conclusion are agreed - on that basis, recommends approval from a landscape impact perspective.

Strategy and Project Delivery Team: The proposed amount of employment is acceptable and within the requirements of Policies SS5 and SDP3 (as modified) of the new Local Plan. The Development Areas Plan (3445/203/L) shows around 2.34 ha identified for employment use, which is within the range sought. The employment noise buffer adjoining Yalberton Road is welcomed. Whether the buffer indicated is sufficient to safeguard the Quarry's future use as a waste site is a matter for Community Protection officers to advise on. However the application is in outline and the detailed boundary between employment and residential development can be resolved as a reserved matter. It is appropriate to impose a condition requiring the detailed layout to show housing at a sufficient distance from the quarry to avoid its use as a waste site being prejudiced (in accordance with Policy W3 of the new Local Plan). Subject to this condition, there is no objection to the application as revised from a strategic planning position.

Waste Client Manager: Previously stated, 'No issues regarding waste'. No comments submitted for the amended proposals.

South Hams District Council: Comments awaited on latest consultation. Previously raised concerns over the potential for the development to have an impact within the South Hams, particularly on the A385 corridor, the local road network on Totnes and on the village of Stoke Gabriel (from traffic generation).

Local Access Forum: Comments awaited on latest consultation. However, provided no comments to previous consultations.

Summary Of Representations

The application has been publicised three times relating to the original and amended proposals. The latest publicity period is still running and ends on 9 December 2015. Any further representations received will be provided as late representations or reported verbally by officers at committee.

Seven objections were received in relation to the original proposals; these included objections from Paignton Neighbourhood Forum, Stoke Gabriel Parish Plan Group, the owners of Rodgers Industrial Estate and Cavanna Homes, who are the developers of the neighbouring site. A neutral comment was also received querying the boundary line over the ownership of the hedge to Little Preston. A further eight objections were received in relation to the proposals as first amended; four of these were from previous objectors, including Paignton Neighbourhood Forum, Stoke Gabriel Parish Plan Group and Cavanna Homes. Objections were also received from Stoke Gabriel Parish Council

and the Stoke Gabriel low-e community group. At the time of writing this report, no representations have been received in relation to the latest publicity period, which is still running.

The following issues were raised in the first publicity period (Dec 2014 - Jan 2015) in response to the original proposals:

- *Concerns re potential impact on adjoining horse grazing field*
- *Is more development needed and why do greenfield sites need to be used?*
- *Impact on wildlife*
- *Access arrangements do not comply with best planning of the area - the access built on Brixham Road to serve Yannons Farm was designed to accommodate the whole employment allocation*
- *Transport Assessment is inadequate and does not test all scenarios - it has not demonstrated there will not be a severe traffic impact in accordance with the NPPF*
- *S106 agreement required*
- *Toucan crossing on Yalberton Road adjacent to petrol filling station would cause serious safety issues*
- *No details of forward visibility provided*
- *HGV swept path analysis required for Alders Way*
- *Road Safety Audit should be provided of access proposals*
- *Loss of employment land - at least 50% of west site should be employment to accord with new Local Plan (NB. This figure has since been revised down to 25%)*
- *Loss of Countryside Zone and AGLV land*
- *Insufficient information on foul drainage*
- *Lack of Habitats Regulations Assessment*
- *Insufficient regard to traffic impacts on Yalberton Road to the west of the site*
- *Access and mix proposals will result in adverse impacts to residential and conflicts with business uses*
- *Strategic landscaping belt required to west*
- *Foul and surface water drainage proposals required before decision made*
- *Access to employment on west site should be from north and access to residential should be from south*
- *Overhead power lines should be undergrounded*
- *Allotments should be provided and proposed green infrastructure secured*
- *Green lane link should be provided*
- *Impacts on Stoke Gabriel, including drainage and traffic on Yalberton Road*
- *Proposed 5.5 metre road width along Yalberton Road to Alders Way is not wide enough for existing and proposed traffic, including HGVs - should be 7.2 metres wide*
- *Access proposals along Yalberton Road lack detail and clarity - current proposals will create dangerous bottleneck*
- *Impacts on drainage and road infrastructure - cycling will be more hazardous.*

The following issues were raised in the second publicity period (June 2015 - July 2015)

in response to the proposals as first amended:

- *Already traffic problems in Parish of Stoke Gabriel - further traffic will impact the local economy, including holiday business*
- *Revised proposals have not addressed previous concerns regarding access along Yalberton Road and the Transport Assessment*
- *No draft s106 agreement available to ensure necessary infrastructure contributions shall be secured*
- *Replacement of toucan crossing on Yalberton Road with uncontrolled pedestrian crossing adjacent to petrol filling station that is referred to in TA Addendum is still shown on the drawings resulting in lack of clarity - the downgraded pedestrian crossing is unsafe*
- *Scenarios still untested in the TA, including one where there is a through route between Brixham Road and Yalberton Road via the Yannons Farm development*
- *Number of detailed concerns with the veracity of the TA Addendum*
- *30 mph speed limit will need to be extended west to the proposed mini-roundabout in order for the mini-roundabout to comply with mandatory standards*
- *Mini-roundabout is wholly inappropriate and does not comply with mandatory standards - it is also considered unsafe and susceptible to accidents*
- *No information has been provided on the capacity of the proposed roundabout*
- *Lack of information on visibility at the roundabout*
- *No provision of pedestrian facilities to cross Yalberton Road to access Alders Way*
- *No Road Safety Audit for the mini-roundabout*
- *No details of forward visibility provided*
- *Access proposals should be based on full topographical survey of Yalberton Road*
- *HGV swept path analysis required for Alders Way*
- *Concerns with safety of access proposals on a number of counts, therefore application should be refused in accordance with NPPF*
- *Disappointed amended proposals have not taken into account suggestions of PNF - previous concerns remain, particularly loss of employment land to residential, lack of information on foul drainage, inappropriate access, and how habitat impacts will be mitigated*
- *Piecemeal approach to access, separate from other issues, is not satisfactory*
- *Previous concerns regarding impacts on Stoke Gabriel, including drainage and traffic on Yalberton Road remain - the proposed access is unacceptable*
- *Increase in traffic/HGV movements along Yalberton Road will result in noise and fume pollution out of keeping with proposed residential*
- *Proximity of proposed roundabout to existing Aggregate Recycling Plant - no information on HGV movements to/from this plant*
- *Impact of increased HGVs on residential quality of life along Totnes Road and King's Ash Hill*
- *Visual impact of overhead power cables on proposed development*
- *Previous concerns regarding impacts on drainage and road infrastructure remain - proposal is unsustainable in NPPF terms; reduction in employment does not accord with new Local Plan; noise impacts of adjacent industrial estates/landfill*

- site; impacts on protected species; impacts on historic assets; traffic and access issues raised by Cavanna Homes are salient
- Greenfields and open aspects of the site should remain - proposed development not in keeping with area
 - Further development should provide 100% affordable housing
 - Lack of local facilities for future residents
 - Insufficient measures to reduce air and light pollution
 - Adequate network of cycle paths should be provided
 - Geological survey required
 - Sustainable drainage and rainwater harvesting must be promoted
 - Majority of Long Road not part of National Cycle Network (NCN), contrary to information in Revised Design and Access Statement - creating a cycle route along Litson Lane/Whitehill Lane would bypass some dangerous stretches along western end of Long Road.

Relevant Planning History

There are no records of any previous planning applications having been submitted for the site.

Key Issues/Material Considerations

The key issues are:

1. The Principle of the Development
 2. Noise and Amenity Issues
 3. Landscape Impact
 4. Access and Impact on Highways
 5. Ecology Impacts
 6. Impact on Trees
 7. Drainage and Flood Risk
 8. Affordable Housing
 9. Archaeology
-
1. The Principle of the Development

At the time of writing this report the development plan comprises the Adopted Torbay Local Plan 1995-2011. The emerging Torbay Local Plan - A landscape for success 2012-2030 is a material consideration with significant weight, as the Inspector has found it sound subject to main modifications. The Council will receive a report in December 2015 recommending adoption of the new Local Plan, subject to the main and additional minor modifications. The Council will make a decision whether to adopt the new Local Plan at the Council meeting on 10 December. If it is adopted, it will become the development plan for Torbay and the current Local Plan will no longer apply.

The principle of the development is considered by officers to be acceptable. Whilst the majority of the site is allocated for employment development in the current Local Plan, the principle of allowing mixed residential and employment development within the employment allocation has already been established on the adjoining sites known as

Yannons Farm and Parkbay. Furthermore, with the exception of the field to the south of the main site, the land is allocated as a Future Growth Area for housing and related development in the new Local Plan (Policy SS2). Whilst the illustrative masterplan indicates some housing development to the southwest of the main site extending into the Countryside Zone where development will be resisted (Policy C1), layout is a reserved matter so this aspect of the proposals is currently not under consideration. In addition, Policy C1 allows some forms of development in the Countryside Zone where there will be no harm to the environment or landscape character, including self build affordable housing.

Therefore, the principle of developing the site for residential and employment uses, together with ecological mitigation, public open space and other associated infrastructure is considered to be acceptable. Officers previously objected to the amount of employment in the application, however this has been amended in the latest proposals and now accords with new Local Plan Policies SS5 and SDP3 (as modified), where 25% of the site is required for employment (net development area). A clause will be required in the s106 agreement requiring the employment development to be delivered by a trigger point to be agreed relating to the delivery of the new housing.

2. Noise and Amenity Issues

Strategic Planning and Community Protection officers objected previously, due to the close proximity of the proposed residential uses on the main site to the allocated waste site (Policy W3) at Yalberton Tor Quarry. Not only would the waste site and associated HGV traffic movements along Yalberton Road have potential to have an adverse impact on the amenities of the new residential properties from noise and fumes, this would also prejudice the use of the waste site as it could not operate under its current consents. Allocated waste sites are protected by Policy W3 of the current Local Plan and Policy W3 of the new Local Plan. Strategic officers have confirmed with Devon County Council that the site is needed and there is no alternative provision in Torbay or nearby. Therefore, its protection is necessary.

Following the submission of a revised illustrative masterplan showing employment uses sited adjacent to Yalberton Road to provide a buffer between the proposed housing and the waste site, officers have withdrawn their previous objections. However, a condition will be required to ensure the layout of the housing will not prejudice the use of the allocated waste site as a waste management facility and there will be no adverse impacts from its reuse. This will require a noise assessment.

The overhead power lines crossing the main site will affect the visual amenity of the uses beneath them and nearby. This should be taken into account in the layout of the development at reserved matters stage (current Local Plan Policy IN2 and new Local Plan Policy DE3). If they are to be undergrounded, an easement will be required for maintenance purposes.

Subject to a condition to ensure the layout of the development will not prejudice the use of the allocated waste site at Yalberton Tor Quarry, the proposals are considered to be

acceptable with regards to noise and amenity issues. These issues will need to be taken into account at reserved matters stage.

3. Landscape Impact

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application, which accords with best practice. Officers' only criticism is that by restricting the zone of theoretical visibility to a 2.5km radius, some long distance views from Barton Pines, Beacon Hill and Windmill Hill have not been considered. However, the site is a very small component of a much wider landscape in these views and will be seen against the backdrop of Paignton's existing urban edge. Therefore, officers agree with the findings of the LVIA and do not consider that the proposed development will have a landscape impact. This includes the part of the site extending into the Countryside Zone. The green infrastructure indicated on the illustrative masterplan should be secured in order to soften and integrate the development into the rural landscape setting. These matters will need to be taken into account at reserved matters stage.

4. Access and Impact on Highways

At the time of writing this report, comments are awaited from Strategic Planning colleagues on behalf of the Local Highway Authority on the latest access proposals. However, their initial views are that the proposed access option of widening Yalberton Road and providing a shared footpath/cycleway along the south side of the road, linking up with the proposed Brixham Road Western Corridor highway improvement works is acceptable in principle. There is a shortfall in funding to deliver the works, due to a gas main, and the applicants will need to pay this shortfall in order to ensure there is access to the site. The works are estimated to be delivered in July 2017 and a condition will be necessary preventing occupation of the development until the works have been completed to the satisfaction of the Local Highway Authority.

The fallback option of providing a pedestrian crossing on Yalberton Road adjacent to the Sainsburys petrol filling station and continuing the shared footpath/cycleway on the north side of the road to a new toucan crossing on Brixham Road to the north of the junction is considered unacceptable by officers, due to safety concerns with the proposed pedestrian crossing on Yalberton Road. Furthermore, the deliverability of the toucan crossing to the north of the Brixham Road/Yalberton Road junction is questioned by officers, due to topography and other constraints; officers also consider that it would be a waste of resources to construct a toucan crossing to the north of the junction, only to have to relocate it south of the junction as part of the highway improvement works a short time later. Therefore, the access proposals that link up with the proposed highway improvement works are considered to be the only viable option.

External transport consultants have been appointed to review the access options and the impact of the proposals on the local highway network, including the capacity of the Brixham Road/Yalberton Road junction to accommodate the proposed development. They have identified errors in the latest Transport Assessment Addendum, which have been provided to the applicants' transport advisers. Therefore, further information is

currently awaited from the applicants and at the current time, officers cannot conclude with certainty that the proposals will not have a severe traffic impact. However, the Council's transport consultants consider that there is likely to be a workable solution. An update will be provided by officers at committee.

The application should not be permitted until details of safe access arrangements that will not have a severe impact on the local highway network have been provided. If this information has not been provided to the satisfaction of the Local Highway Authority by the time of the committee, officers will seek Members' approval for this matter to be delegated to officers to resolve with the applicants within three months of the committee, or the application will be brought back to committee to be reconsidered in full.

Comments are also awaited from the Local Highway Authority to confirm that the proposed access points to the development comply with highway standards in terms of their geometry and visibility. A link to the Yannons Farm development is proposed, but details have not been provided because the layout of this part of the Yannons Farm site has not been approved. This will need to provide access for pedestrians and cyclists - if it includes a vehicular link the modelling in the Transport Assessment Addendum will need to be re-assessed. A public transport connection for buses is also required between the sites. The preferred route in the long term is to the east of the main site via the Western Power site to connect with the principal distributor road that currently stops adjacent to Torbay Pharmaceuticals. The layout will need to be 'future proofed' to allow for this at reserved matters stage. A condition/obligation in the s106 should be secured accordingly. The access route to the west of the main site traversing the steep part of the site is unlikely to meet highways adoption standards in terms of its gradient, however officers accept this can be resolved as part of the layout at reserved matters stage.

Therefore, at the time of writing this report, the access proposals are not suitable for approval. Further information is being prepared and an update will be provided by officers at committee.

5. Ecology Impacts

The site is located within the greater horseshoe bat sustenance zone associated with the South Hams Special Area of Conservation (SAC) at Berry Head and the northwest corner of the main site is just within a strategic flyway. The Council's external ecological adviser with respect to the South Hams SAC has advised that insufficient information has been submitted to enable the authority to carry out a Habitats Regulations Screening Assessment. The applicants are currently in the process of revising their Ecological Impact Assessment (EclA) accordingly, however at the time of writing this report it has not been submitted. When an adequate EclA has been submitted, if the screening assessment concludes that an Appropriate Assessment is required this will need to be prepared by the LPA and Natural England consulted.

An update on the above matters will be provided by officers at committee. If a Habitats Regulations Screening Assessment has still not been carried out by the time of the committee, or if an Appropriate Assessment is required, officers' recommendation will change to deferral to provide more time for these matters to be resolved.

The site has been identified as a habitat for a nationally important population of ciril buntings, which is a protected species. This habitat will be lost when the site is developed. Therefore, mitigation and/or compensation is required in accordance with local policies (current Local Plan Policy NC5 and new Local Plan Policy NC1) and national guidance. It has been agreed that the application will need to mitigate/compensate for 8 pairs. The RSPB recommend 2.5ha of land is needed to provide suitable new habitat to mitigate/compensate one breeding pair. The applicants have not provided an adequate mitigation/ compensation strategy to address this impact at the time of writing this report, and the RSPB object to the application on this basis. However, it is understood that they intend to use the high meadow to the south of the site to compensate one pair, TCCT land at Cockington to compensate 5 pairs (a management strategy for this land has already been prepared by TCCT and agreed with RSPB), and other offsite land near the site to compensate 2 pairs. Officers have requested this information as part of the revised EclA and informed the applicants that planning permission cannot be granted until it is received. It will need to include details of land ownership, how the land will be managed, who it will be managed by and how long for. Once agreed, it will need to be secured in the s106 agreement. The offsite management must not degrade habitat for greater horseshoe bats within the sustenance zone.

If a satisfactory ciril bunting mitigation/compensation strategy has not been submitted by the time of the committee, officers will seek Members' approval for this matter to be delegated to officers to resolve with the applicants within three months of the committee, or the application will be brought back to committee to be reconsidered in full.

The derelict barn on the site has been identified as a barn owl habitat. It is to be retained accordingly. The Barn Owl Trust has recommended conditions to ensure the retention of this habitat during and post construction. These should be added to the planning permission if the application is approved.

The revised EclA should also include general measures to enhance biodiversity on the site in accordance with the NPPF. These should be secured by condition.

6. Impacts on Trees

The Council's Arboricultural Officer has no objections to the proposals, despite the removal of the existing hedgebank along Yalberton Road east of the proposed roundabout. The existing hedgebank contains a number of poor quality trees and replacement tree planting should be provided in the new hedgebank.

The main site includes an important group of remnant elm trees, which should be retained and incorporated into the detailed proposals at reserved matters stage. They will also need to be protected during the construction phase.

Therefore, the proposals are considered to accord with Policy L9 of the current Local Plan and Policy C4 of the new Local Plan, subject to conditions to secure: a Tree

Protection Plan and Arboricultural Method Statement to protect existing trees during construction, detailed landscaping proposals and a Landscape and Ecological Management Plan (LEMP). An informative should be added to the permission if the application is approved, recommending early engagement with the Council's Arboricultural Officer when landscaping proposals are drawn up for reserved matters.

7. Drainage and Flood Risk

Despite being a concern of local residents, including those in Stoke Gabriel, the proposed drainage of the site is considered to be acceptable, subject to conditions. With respect to foul drainage, South West Water is not satisfied that the public foul drainage network has capacity to support the development without causing downstream property flooding. However, they have recommended a condition to deal with this issue, which will need to be added to the planning permission if the application is approved. In terms of surface water drainage, sufficient information has been submitted to demonstrate that surface water can be drained sustainably on the site via an infiltration pond in the northwest corner of the main site adjacent to Yalberton Road; however, details of an offsite connection are required in case it is not possible to infiltrate all of the surface water run-off from the site. Pending submission of these details, the application accords with current Local Plan Policy EPS and new Local Plan Policy ER1, subject to conditions to secure details of the detailed drainage design prior to commencement and how the sustainable drainage features will be maintained.

8. Affordable Housing

The applicants have not submitted a viability assessment and have agreed to provide the policy compliant level of affordable housing for the development. If the maximum number of dwellings is provided, this will mean that 58 affordable units will be delivered (30%), including up to 10 self-build plots (5%) in accordance with Policies H2 and H3 of the new Local Plan. The Head of Asset Management and Housing has commended this and stated that the policy compliant mix of a third social rent, a third affordable rent and a third shared ownership, including up to 5% self build, will assist in meeting the variety of housing need. In addition, the mix of house types and sizes must be proportionate to the development as a whole.

The applicants have requested some flexibility over the tenure mix of the affordable housing, following recent announcements by the Government affecting registered social landlords. This will be discussed further with the applicants and Head of Asset Management and Housing while the s106 agreement is drafted.

9. Archaeology

The Senior Historic Environment Officer has identified the potential for previously unrecorded archaeological deposits on the site from earlier studies. In addition, the site includes an area to the north where there is potential for an ancient earthwork. Therefore, the standard archaeological condition should be attached to the planning permission if it is approved.

S106/CIL -

The affordable housing and contributions for the application are set out below, in accordance with Adopted Local Plan Policies H6 and CF6, new Local Plan Policies SS7, H2 and H3, and the adopted Planning Contributions and Affordable Housing SPD and its Update 3. The sustainable development contributions have been estimated, as the application is in outline meaning the precise floor areas of the dwellings are unknown at this stage - a dwelling size average of 95-119 sq m has been used below for the upper limit of 192 dwellings; the s106 agreement shall include a schedule to calculate the precise contributions when the floor areas are known following submission of reserved matters. Site acceptability access infrastructure is included.

Site Acceptability

- o Re-route gas main as part of Brixham Road Highway Improvement Works = £360k (tbc)
- o S278 works to Yalberton Road = £130k-£155k (tbc)
- o Cirl bunting mitigation/compensation strategy for 8 pairs (1 onsite, 7 offsite), with 5 pairs to be compensated by habitat enhancement at Cockington via a contribution of £436,565 to TCCT
- o Waste Management = £9,600 @ £50 / unit

Affordable Housing

- o Up to 58 affordable dwellings (30%) to include a third social rent, a third affordable rent and a third intermediate, with up to 5% self build plots

Sustainable Development (based on 134 open market dwellings, 16 social rent, 16 affordable rent, 16 intermediate and 10 self build plots - all units 95-119 sq m)

- o Sustainable Transport = £393,690
- o Education = £176,950
- o Lifelong Learning = £58,840
- o Greenspace and Recreation = £173,754

TOTAL = £803,234

Administration/Monitoring of S106

Administration charge tbc (calculated on a time basis at £60 standard hourly rate).

Mitigation:

Mitigation has been applied to the contributions calculated above as follows:

- o Social rent & affordable rent dwellings - 100% discount to SD contributions, not waste and other site acceptability matters.

- o *Intermediate & self build dwellings - 50% discount to SD contributions, not waste and other site acceptability matters.*
- o *Sustainable Transport contribution for employment uses - 100% discount due to 'Mitigation for Economic Prosperity (jobs created)'*
- o *Greenspace & Recreation includes 'Playing Pitches' (£144 per person) and 'Multi use games area' (£250 per person) only; it does not include 'Equipped facilities for young people' and 'Greenspace', as these are indicated to be provided onsite. Provided the onsite provision is secured as an obligation in the s106, the cost per dwelling is reduced as follows:*
 - o *2 bed = 1.9 persons x £394 = £749 per dwelling*
 - o *3 bed = 2.6 persons x £394 = £1,024 per dwelling*
 - o *4 / 4+ bed = 3 persons x £394 = £1,182 per dwelling*

NB. The SD contributions will increase if the amount of affordable housing provision is decreased.

In addition to the above, a clause will be required in the s106 requiring phasing details. This will need to include the delivery of the employment development at a trigger point to be agreed with the applicants, linked to the delivery of the new housing.

Justifications:

The Brixham Road highway works contribution is justified in paragraphs 2.1-2.4 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6). There is a shortfall in funding to reroute a gas main as part of the planned improvement works at the Brixham Road/Yalberton Road junction. The improvement works are necessary to increase the capacity of the junction to accommodate the proposed development. The applicants have agreed to pay the shortfall in order to provide adequate access arrangements for the proposed development.

The Yalberton Road highway works contribution is justified in paragraphs 2.1-2.4 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6). It will pay for the continuation of the shared footpath/cycleway along Yalberton Road and upgraded toucan crossing on Brixham Road in order to provide safe pedestrian/cycle access to the proposed development.

A cirl bunting mitigation/compensation strategy must be prepared before granting planning permission and secured in the s106 to ensure the impacts on this protected species are adequately mitigated/compensated to make the development acceptable in planning terms. It is a site acceptability matter justified in paragraphs 2.1-2.4 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6). The contribution to compensate 5 pairs at Cockington has been calculated by TCCT, who have agreed a cirl bunting management strategy for this land with RSPB. The site setup and management costs have been divided by the total number of pairs the enhancement works will support to arrive at the cost per pair.

The waste management contribution is justified in paragraph 2.18 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6), and accords with new Local Plan Policy W1. It will pay the costs of providing waste and recycling bins to the dwellings.

The affordable housing provision is justified in Section 3.0 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6), and accords with new Local Plan Policies H2 and H3.

The sustainable transport contribution is justified in paragraphs 4.12-4.24 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6), and accords with new Local Plan Policies SS7 and TA2. It will be used to pay for sustainable transport network enhancements in the local area for use by future occupiers/visitors of the proposed development.

The education contribution is justified in paragraphs 4.40-4.46 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6), and accords with new Local Plan Policies SS7 and SS10. It will be used towards funding projects at schools in Paignton as part of Children's Services Capital Programme. The dwellings will place additional demand on local schools and the contribution will ensure local schools are provided with funding to mitigate the proposed development.

The lifelong learning contribution is justified in paragraphs 4.47-4.51 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6), and accords with new Local Plan Policies SS7 and SS10. It will be used towards the cost of improving provision at Paignton Library, including IT equipment. The dwellings will place additional demand on the services provided by Paignton Library and the contribution will ensure these services are provided with funding to mitigate the proposed development.

The greenspace and recreation contribution is justified in paragraphs 4.52-4.58 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6), and accords with new Local Plan Policies SS7 and SS9. It will be used towards improving maintenance, management and equipment at existing facilities within easy walking distance of the site. The dwellings will place additional demand on these facilities and the contribution will ensure these facilities are provided with funding to mitigate the proposed development.

The administration/monitoring contribution is justified in paragraphs 5.6-5.8 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6), and will be used to administer/monitor the s106 agreement.

Status:

The applicants have agreed to provide 30% affordable housing, but have not agreed to the site acceptability matters or sustainable development contributions at the time of writing this report. They are waiting for further details of what the sustainable development contributions will be spent on. A verbal update will be provided by officers

at committee. The affordable housing and other obligations will need to be secured in a s106 agreement; however, final Heads of Terms have not been agreed and therefore Legal Services has not been instructed to prepare an agreement at the current time. An update will be provided at committee.

Conclusions

The principle of developing the site for a mix of housing and employment uses is considered to be acceptable and in accordance with the provision of the current Adopted Local Plan, taking material considerations of recent developments into account, and the new Local Plan. The majority of the land in the site is within the Future Growth Area for housing and related development. A condition is required to ensure the layout of the development will not prejudice the future use of the allocated waste site at Yalberton Tor Quarry in terms of noise impacts.

Details are currently awaited to confirm that the proposed access arrangements to the site are safe and deliverable, and will not cause a severe impact to the local highway network. If this information is not received before the committee, officers will seek delegated authority to resolve these matters with the applicants within three months of committee, or the application will be brought back to committee for full reconsideration.

Insufficient information has been submitted to enable the authority to carry out a Habitats Regulations Screening Assessment in accordance with the Habitats Regulations. A revised Ecological Impact assessment is anticipated to be submitted shortly. If a Habitats Regulations Screening Assessment has not been carried out by the time of the committee, or if an Appropriate Assessment is required, officers' recommendation will change to deferral to provide more time for these matters to be resolved.

A detailed cirl bunting mitigation/compensation strategy is required before the application is permitted. The RSPB currently objects to the application, due to inadequate information in this regard. The applicants are in the process of producing this strategy. If a satisfactory cirl bunting mitigation/compensation strategy has not been submitted by the time of the committee, officers will seek delegated authority to resolve this matter with the applicants within three months of committee, or the application will be brought back to committee for full reconsideration.

The drainage proposals (foul and surface water) are considered to be acceptable for approval at this stage, subject to conditions and details, prior to determination, of an offsite surface water drainage connection in case it is not possible to infiltrate all of the surface water run-off from the site.

The applicants propose to deliver the policy compliant level of affordable housing (30%), although have requested flexibility on tenure mix. This provision will need to be secured in a s106 agreement, together with site acceptability matters relating to access and ecology issues, and sustainable development contributions to mitigate the impacts of the development on local infrastructure. A clause will also be required to ensure the delivery of the employment development by a trigger point relating to the delivery of the new

housing to be agreed. At the time of writing this report, the final Heads of Terms have not been agreed with the applicants and an update will be provided at committee.

Condition(s)/Reason(s)

01. Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval in accordance with the standard time limits condition above:

- (i) layout;
- (ii) scale;
- (iii) appearance; and
- (iv) landscaping.

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced. The reserved matters shall be carried out as approved. The details of the reserved matters shall be consistent with drawing reference 3445/203/M.

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

02. A phasing plan shall be submitted to and approved in writing by the Local Planning Authority as part of the first application for reserved matters approval. The plan shall demonstrate how the development will be implemented in relation to an agreed timetable of works, and shall include the provision of the proposed public open space, landscaping, ecological enhancement, highway works and other ancillary infrastructure. The development shall then be implemented in accordance with the approved phasing plan.

Reason: To ensure that necessary elements of the scheme are implemented within acceptable parameters and at an appropriate stage, to comply with policies SS2, SS9, SS10 and DE1 of the Adopted Torbay Local Plan A landscape for success 2012-2030

03. The details of reserved matters shall ensure that the allocated waste site at Yalberton Tor Quarry to the north of Yalberton Road will not be prejudiced and will be capable of operating as a waste management facility without causing an adverse impact on the residential amenities of the dwellings hereby approved. For this reason no dwelling house shall be sited within 100 metres of the boundary of Yalberton Tor Quarry.

Reason: To protect the allocated waste management site at Yalberton Tor Quarry and the amenities of the dwellings in accordance with Policies W3 and DE3 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and in the interests of visual amenity in accordance with Policy DE1 of the Adopted Torbay

Local Plan - A landscape for success 2012-2030.

04. *The details of reserved matters shall ensure that a vehicular access is provided up to the western boundary of the Western Power electricity sub-station site. The details shall also provide for pedestrian and cyclists. The details relating to this condition shall be implemented as approved by the Local Planning Authority.*

Reason: To 'future proof' the layout of the development to facilitate a vehicular, cycle and pedestrian connection between the site and the principal distributor road directly to the west of the Torbay Pharmaceuticals site, in accordance with Policies SS2, SS7, SS11, TA1, TA2 and DE1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030

05. *The details of reserved matters shall include a permanent nesting place for Barn Owls inside one or more of the buildings on the site (western parcel) in accordance with the comments received from the Barn Owl Trust on 23.12.2014. The permanent Barn Owl nesting place shall be provided as approved prior to the first occupation of any of the dwellings hereby permitted.*

Reason: In the interests of biodiversity and to minimise impacts on protected species in accordance with Policy NC1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraphs 109 and 118 of the NPPF.

06. *The details of reserved matters shall include bird nesting/bat roosting boxes in the design of the buildings. Prior to the commencement of the development of the buildings, the design specification(s) of the bird nesting/bat roosting boxes that will be used in the buildings shall be submitted to and approved in writing by the Local Planning Authority. The bird nesting/bat roosting boxes will be provided in the buildings as approved.*

Reason: In the interests of biodiversity in accordance with Policy NC1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraphs 109 and 118 of the NPPF. These details are required pre-commencement as specified to ensure that appropriate bird nesting/bat roosting boxes are provided in the buildings.

07. *The details of reserved matters shall include details of cycle parking and bin storage/waste recycling facilities for the dwellings and any business/storage or distribution unit formed from the employment floorspace hereby permitted. The cycle parking shall be secure, covered and located where it is well overlooked, wherever practicable, to reduce opportunities for crime. The relevant cycle parking and bin storage/waste recycling facilities shall be provided as approved prior to the first occupation or first use of the dwelling or unit to which it relates.*

Reason: To promote cycling as an alternative mode of transport to the private car in accordance with Policy TA1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and to ensure appropriate space is provided for the

storage and removal of waste, including waste recycling facilities, in accordance with Policy W1 of the Torbay Local Plan - A landscape for success 2012-2030.

08. *The details of reserved matters shall be accompanied by a Design Code for the development setting out the design parameters for the streets (primary, secondary and tertiary), development blocks and green infrastructure in the development hereby approved. The Design Code shall specify street dimensions (including footpaths and cycleways), design principles for the development blocks (position of fronts and backs/ location of parking), materials palettes (surfacing, boundary treatments and buildings) and soft landscaping palettes for public spaces (tree/plant species and tree pit designs). The Design Code shall be implemented as approved.*

Reason: To ensure consistency in design across the development site as a whole in accordance with Policies SS2, SS9, SS10 and DE1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraph 59 of the NPPF.

09. *No development (including demolition and ground works) or vegetation clearance works shall take place until a written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and*
- o The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.*
 - o The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.*

Reason: Where an important archaeological site will be destroyed or materially damaged as a result of development following the granting of planning permission, the developer will be required to make provision for its archaeological recording, preservation, storage and publication as a condition of the permission in accordance with Policy SS10 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraph 141 of the NPPF. These details are required pre-commencement as specified to ensure that potential archaeology is not damaged or destroyed by building operations or vegetation removal.

10. *No development (including demolition and ground works) or vegetation clearance works shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. Priority shall be given to sustainable urban drainage systems, where soakaways must be designed in accordance with Building Research Establishment Digest 365 and include details of how they have been designed to cater for the 1 in 100*

year critical rainfall event plus an allowance for climate change. Evidence that trial holes and infiltration tests have been carried out in accordance with Building Research Establishment Digest 365 in the same location as any soakaways or sustainable drainage features must be provided. The scheme shall demonstrate that there will be no increased risk of flooding to surrounding buildings, roads and land. The development shall not be occupied or brought into use until the approved surface water drainage scheme has been completed as approved and it shall be continually maintained thereafter.

Reason: To manage water and flood risk in accordance with Policies ER1 and ER2 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraph 103 of the NPPF. These details are required pre-commencement as specified to ensure that an appropriate drainage system is provided for the development and there will be no increased risk of flooding to surrounding buildings, roads and land.

11. *No development (including demolition and ground works) or vegetation clearance works shall commence until:*
 - a) *a detailed survey and evaluation of the public foul sewerage network has taken place (at the Owner's expense) to identify improvements necessary to be funded in advance and executed to accommodate the discharge of foul sewage from the development; and*
 - b) *the Owner has submitted an application to the relevant Sewerage Undertaker for a public foul sewer requisition under s98 of the Water Industry Act 1991 (which shall include the provision of public sewerage improvement works identified as necessary).*

The development hereby approved shall not be occupied or brought into use and there shall be no discharge to the public foul sewerage network, unless approved in writing by the Local Planning Authority (as in accordance with the scheme of improvement works identified by the Sewerage Undertaker as necessary to accommodate the discharge of foul sewage from the development).

Reason: To ensure the public foul sewerage network has capacity to accommodate the development and any necessary improvement works are carried out in accordance with Policies ER2 and W5 of the Adopted Torbay Local Plan - A landscape for success 2012-2030. These details are required pre-commencement as specified to ensure that the public foul sewerage network has capacity to accommodate the development

12. *No development (including demolition and ground works) or vegetation clearance works shall take place until a Barn Owl Survey has taken place of the site (western parcel) immediately prior to development commencing, in accordance with the comments received from the Barn Owl Trust on 23.12.2014, and this has been submitted to and approved in writing by the Local Planning Authority.*

Reason: To ensure no building or construction works take place within 30 metres of any part of the site containing material evidence of Barn Owl occupation within 3 days of works commencing, in the interests of biodiversity in accordance with Policy NC1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030. These details are required pre-commencement as specified to ensure that Barn Owls are not harmed during the construction of the development.

13. *No development (including demolition and ground works) or vegetation clearance works shall take place until a temporary Barn Owl roosting/nesting box has been provided within 200 metres of the site (western parcel) at least 30 days prior to development works commencing, in accordance with the comments received from the Barn Owl Trust on 23.12.2014. Evidence of this shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The temporary Barn Owl roosting/nesting box shall be kept free from disturbance and remain in place until at least 30 days after permanent provision has been made in accordance with condition 4.*

Reason: In the interests of biodiversity and to minimise impacts on protected species in accordance with Policy NC1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraphs 109 and 118 of the NPPF. These details are required pre-commencement as specified to ensure that the temporary Barn Owl roosting/nesting box is provided.

14. *No development (including demolition and ground works) or vegetation clearance works shall take place of any phase of the development until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMPs shall be prepared in accordance with specifications in clause 10.2 of BS 42020:2013 (or any superseding British Standard) and shall include the following:*
- a) Risk assessment of potentially damaging construction activities.*
 - b) Identification of "biodiversity protection zones".*
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.*
 - d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.*
 - e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.*
 - f) Responsible persons and lines of communication.*
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*

The approved CEMPs shall be adhered to and implemented throughout the construction period of the phase of the development that they relate to strictly in accordance with the approved details.

Reason: In the interests of biodiversity and to minimise impacts on protected species in accordance with Policy NC1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraphs 109 and 118 of the NPPF. These details are required pre-commencement as specified to ensure that biodiversity is not harmed by building operations or vegetation removal.

15. *No development (including demolition and ground works) or vegetation clearance works shall take place until a Lighting Design Strategy to maintain "dark areas" on the site has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include:*
- a) A map showing the "dark areas" that will be maintained on site.*
 - b) An evidence based assessment of light levels of the proposed development, including buildings, vehicle headlamps and street lighting, comprising a written report and accompanying drawings of the site with the levels of predicted illuminance and light spill in and adjacent to the "dark areas" shown by appropriate isolines.*
 - c) Evidence to demonstrate that a light spill no higher than 0.5 lux will be achieved within the "dark areas".*
 - d) Where c) is achieved either fully or in part through landscaping, details of the landscaping and its management to ensure it will maintain the "dark areas" in perpetuity. These details shall be incorporated into the Detailed Landscaping Schemes and Landscape and Ecological Management Plans (LEMPs) where applicable.*

The Lighting Design Strategy shall be implemented and maintained as approved.

16. *No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird breeding season from March to September, inclusive. If this period cannot be avoided, these works shall not be undertaken until the reasons why have been submitted to and approved in writing by the Local Planning Authority. The works shall not be undertaken except in the presence of a suitably qualified ecologist. If breeding birds are found or suspected, the works will not be permitted until the ecologist is satisfied that breeding is complete.*

Reason: To ensure no harm to breeding birds in accordance with Policy NC1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraphs 109 and 118 of the NPPF. The reasons why the works must be carried out during the bird breeding season are required pre-commencement as specified to ensure that breeding birds are not harmed by building operations or vegetation removal.

17. *No development (including demolition and ground works) or vegetation clearance works shall take place of any phase of the development until a Construction Method Statement for that phase has been submitted to and approved in writing*

by the Local Planning Authority. The Statements shall provide for:

- a) The parking of vehicles of site operatives and visitors.*
- b) Loading and unloading of plant and materials.*
- c) Storage of plant and materials used in constructing the development.*
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.*
- e) Wheel washing facilities.*
- f) Measures to control the emission of dust and dirt during construction.*
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works, with priority given to reuse of building materials on site wherever practicable.*
- h) Measures to minimise noise nuisance to neighbours from plant and machinery.*
- i) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.*

The approved Statements shall be adhered to throughout the construction period of the phase of the development that they relate to.

Reason: To safeguard the Local Planning Authority's rights of control over these details to ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the convenience of highway users. These details are required pre-commencement as specified to ensure that building operations and vegetation removal are carried out in an appropriate manner to avoid nuisance to neighbouring uses and inconvenience to highway users.

- 18. No development (including demolition and ground works) or vegetation clearance works shall take place of any phase of the development until a Waste Audit and 5 year Waste Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Waste Audits and 5 year Waste Management Plans shall include measures to:*
- a) Prevent and minimise, re-use and recycle waste (including composting where appropriate).*
 - b) Minimise the use of raw materials.*
 - c) Minimise the pollution potential of unavoidable waste.*
 - d) Seek alternative modes of transport (to the use of roads) to move waste (wherever possible).*
 - e) Make provision for the storage and collection of waste.*
 - f) Dispose of unavoidable waste in an environmentally acceptable manner.*

The Waste Audits and 5 year Waste Management Plans shall be implemented as approved.

Reason: To minimise waste from the development in accordance with Policy W2 of the Adopted Torbay Local Plan - A landscape for success 2012-2030. These

details are required pre-commencement as specified to ensure that waste generation is minimised from the start of the development and is dealt with in a sustainable way.

19. *No development (including demolition and ground works) or vegetation clearance works shall take place of any phase of the development until an Arboricultural Method Statement and Tree Protection Plan for that phase have been submitted to and approved in writing by the Local Planning Authority. This information shall be prepared in accordance with BS 5837:2012 (or any superseding British Standard) and include details of tree protection fencing, which must be erected prior to the commencement of the development and retained until the completion of the development in the phase of the development that they relate to. No vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences. The approved Arboricultural Method Statements and Tree Protection Plans shall be adhered to throughout the construction of the development.*

Reason: To protect the trees to be retained in the interests of the amenities of the area and biodiversity, in accordance with Policies C4 and NC1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030. These details are required pre-commencement as specified to ensure that trees to be retained are not damaged by building operations or vegetation removal, including their biodiversity interests.

20. *The development hereby approved on the site (western parcel) shall not be occupied or brought into use until the planned widening of Brixham Road at the junction with Yalberton Road and associated highway improvement works have been implemented in full.*

Reason: To ensure safe and suitable access is provided to the site (western parcel) in accordance with Policies TA1 and TA2 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraph 32 of the NPPF.

21. *The development shall not be occupied or brought into use until a Section 278 Highways Agreement has been entered into in order to secure the necessary works to the public highway. The s278 works shall include the continuation of the shared footpath/cycleway from the edge of the application site boundary along the south side of Yalberton Road to the toucan crossing on Brixham Road to be secured in the s106 agreement relating to this planning permission. The development shall not be occupied or brought into use until the s278 works have been implemented in full to the satisfaction of the Local Highway Authority.*

Reason: To ensure safe and suitable access is provided to the site (western parcel) in accordance with Policies TA1 and TA2 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraph 32 of the NPPF.

22. *Prior to the first occupation of any of the dwellings hereby permitted, a Detailed Landscaping Scheme for the residential part of the site shall be submitted to and*

approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments. This will include tree and plant species and methods of planting. The hard landscaping forming part of the curtilage and boundary of any dwelling, and access thereto, shall be constructed as approved prior to the occupation of the dwelling. The soft landscaping within the "dark areas" approved under condition 14 shall be planted in the first planting season following commencement of the development, unless this interferes with construction operations and evidence of this is submitted to and approved in writing by the Local Planning Authority. All other soft landscaping shall be planted in the first planting season following the occupation of the dwellings or completion of the residential development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the residential development as a whole die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of amenity, design and biodiversity in accordance with Policies DE1 and NC1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraph 58 of the NPPF.

23. *Prior to the first use of any business/storage or distribution unit formed from the employment floorspace hereby permitted, a Detailed Landscaping Scheme for the employment part of the site (western parcel), including associated parking areas, shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments. This will include tree and plant species and methods of planting. The hard landscaping shall be constructed as approved prior to the first use of the business/storage or distribution units. The soft landscaping within the "dark areas" approved under condition 14 shall be planted in the first planting season following commencement of the development, unless this interferes with construction operations and evidence of this is submitted to and approved in writing by the Local Planning Authority. All other soft landscaping shall be planted in the first planting season following the occupation of the business/storage or distribution units or completion of the business/storage or distribution units, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the business/storage or distribution unit(s) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.*

Reason: In the interests of amenity, design and biodiversity in accordance with Policies DE1 and NC1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraph 58 of the NPPF.

24. *Prior to the first use of any business/storage or distribution unit formed from the employment floorspace hereby permitted, a Detailed Landscaping Scheme for the employment part of the site (eastern parcel), including associated parking*

areas, shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments. This will include tree and plant species and methods of planting. The hard landscaping shall be constructed as approved prior to the first use of the business/storage or distribution units. The soft landscaping within the "dark areas" approved under condition 14 shall be planted in the first planting season following commencement of the development, unless this interferes with construction operations and evidence of this is submitted to and approved in writing by the Local Planning Authority. All other soft landscaping shall be planted in the first planting season following the occupation of the business/storage or distribution units or completion of the business/storage or distribution units, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the business/storage or distribution unit(s) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of amenity, design and biodiversity in accordance with Policies DE1 and NC1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraph 58 of the NPPF.

25. *Prior to the first occupation of any of the dwellings hereby permitted, a Landscape and Ecological Management Plan (LEMP) for the residential part of the site shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:*

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

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

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

Reason: In the interests of amenity and biodiversity in accordance with Policies DE1 and NC1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraphs 58, 109 and 118 of the NPPF.

26. *Prior to the first use of any business/storage or distribution unit formed from the employment floorspace hereby permitted, a Landscape and Ecological Management Plan (LEMP) for the employment part of the site (western parcel) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:*
- a) Description and evaluation of features to be managed.*
 - b) Ecological trends and constraints on site that might influence management.*
 - c) Aims and objectives of management.*
 - d) Appropriate management options for achieving aims and objectives.*
 - e) Prescriptions for management actions.*
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).*
 - g) Details of the body or organisation responsible for implementation of the plan.*
 - h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.*

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

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

Reason: In the interests of amenity and biodiversity in accordance with Policies DE1 and NC1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraphs 58, 109 and 118 of the NPPF.

27. *Prior to the first use of any business/storage or distribution unit formed from the employment floorspace hereby permitted, a Landscape and Ecological Management Plan (LEMP) for the employment part of the site (eastern parcel) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:*
- i) Description and evaluation of features to be managed.*
 - j) Ecological trends and constraints on site that might influence*

- management.*
- k) Aims and objectives of management.*
 - l) Appropriate management options for achieving aims and objectives.*
 - m) Prescriptions for management actions.*
 - n) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).*
 - o) Details of the body or organisation responsible for implementation of the plan.*
 - p) On-going monitoring and remedial measures for biodiversity features included in the LEMP.*

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

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

Reason: In the interests of amenity and biodiversity in accordance with Policies DE1 and NC1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraphs 58, 109 and 118 of the NPPF.

28. *Prior to the first occupation or use of the development hereby permitted, a Greater Horseshoe Bat Monitoring Strategy shall be submitted to and approved in writing by the Local Planning Authority. The purpose of the Monitoring Strategy shall be to provide early warning of any change in site conditions (such as those brought about by loss of suitable habitat features or adverse light spill) that are likely to impair or disturb greater horseshoe bats using the bat mitigation measures on the site. These include the dark bat corridors and foraging area in the public open space. The content of the Monitoring Strategy shall include the following:*

- a) Aims and objectives of monitoring to match the stated purpose.*
- b) Identification of adequate baseline conditions prior to the start of development.*
- c) Appropriate success criteria, thresholds, triggers and targets against which the continued effectiveness of the bat mitigation measures can be judged.*
- d) Methods for data gathering and analysis.*
- e) Location of monitoring/sampling points.*
- f) Timing and duration of monitoring.*
- g) Responsible persons and lines of communication.*
- h) Review, and where appropriate, publication of results and outcomes.*

A report describing the results of monitoring shall be submitted to the Local Planning Authority at intervals as identified in the Monitoring Strategy. The report shall set out where the results from monitoring show that site conditions are changing and consequently what contingencies and/or remedial action are

required to ensure the bat mitigation measures remain fully functioning. The contingencies and/or remedial action shall be agreed with the Local Planning Authority and implemented in full.

The Monitoring Strategy shall be implemented as approved.

Reason: To secure a means by which the effectiveness of the bat mitigation measures can be monitored and any necessary contingencies put in place to avoid adverse impacts on greater horseshoe bats in accordance with Policy NC1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraphs 109 and 118 of the NPPF

29. *Prior to the first occupation of any of the dwellings hereby permitted, an External Lighting Scheme for the residential part of the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include the location and specification of all external lighting, and be designed to minimise harm to nearby properties and biodiversity. The External Lighting Scheme shall be implemented as approved prior to the occupation of the dwellings. Should any of the external lighting become damaged and need replacement it shall be replaced with external lighting of the same specification. No additional external lighting shall be installed on this part of the site.*

Reason: In the interests of amenity, design, crime prevention and biodiversity in accordance with Policies NC1, DE1 and DE3 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraph 125 of the NPPF.

30. *Prior to the first use of any business/storage or distribution unit formed from the employment floorspace hereby permitted, an External Lighting Scheme for the employment part of the site (western parcel) shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include the location and specification of all external lighting, and be designed to minimise harm to nearby properties and biodiversity. The External Lighting Scheme shall be implemented as approved prior to the first use of the business/storage or distribution units on this part of the site. Should any of the external lighting become damaged and need replacement it shall be replaced with external lighting of the same specification. No additional external lighting shall be installed on this part of the site.*

Reason: In the interests of amenity, design, crime prevention and biodiversity in accordance with Policies NC1, DE1 and DE3 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraph 125 of the NPPF.

31. *Prior to the first use of any business/storage or distribution unit formed from the employment floorspace hereby permitted, an External Lighting Scheme for the employment part of the site (eastern parcel) shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include the location and specification of all external lighting, and be designed to minimise harm to*

nearby properties and biodiversity. The External Lighting Scheme shall be implemented as approved prior to the first use of the business/storage or distribution units on this part of the site. Should any of the external lighting become damaged and need replacement it shall be replaced with external lighting of the same specification. No additional external lighting shall be installed on this part of the site.

Reason: In the interests of amenity, design, crime prevention and biodiversity in accordance with Policies NC1, DE1 and DE3 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraph 125 of the NPPF.

32. *Prior to the first occupation of any of the dwellings hereby permitted, evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the residential development meets Secured by Design standards as far as practicable.*

Reason: In the interests of crime prevention in accordance with Policy DE1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraph 58 of the NPPF.

33. *Prior to the first use of any business/storage or distribution unit formed from the employment floorspace hereby permitted, evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the design of the employment part of the site (western parcel) meets Secured by Design standards as far as practicable.*

Reason: In the interests of crime prevention in accordance with Policy DE1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraph 58 of the NPPF.

34. *Prior to the first use of any business/storage or distribution unit formed from the employment floorspace hereby permitted, evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the design of the employment part of the site (eastern parcel) meets Secured by Design standards as far as practicable.*

Reason: In the interests of crime prevention in accordance with Policy DE1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraph 58 of the NPPF.

35. *Prior to the first occupation of any of the dwellings hereby permitted, a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority incorporating measures to promote the use of sustainable modes of travel instead of private car by future residents of the dwellings. The Residential Travel Plan shall be implemented as approved and shall be continually monitored by a Travel Plan Coordinator (TPC) appointed by the developer of the dwellings to ensure that it meets its objectives and targets. The*

contact details of the TPC shall be provided in the Residential Travel Plan. In the event that the objectives and targets of the Residential Travel Plan are not met, the Residential Travel Plan shall be updated by the TPC setting out further measures in order to rectify this. A copy of the Residential Travel Plan or updated Residential Travel Plan, as the case may be, shall be made available to the Local Planning Authority upon request during normal business hours. A summary of the Residential Travel Plan shall be provided to the first occupier of each dwelling hereby permitted setting out the options for sustainable modes of travel in the area.

Reason: To promote sustainable modes of travel in the interests of reducing greenhouse gas emissions and pollution, in accordance with Policies SS13, TA1, TA2 and DE3 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraph 36 of the NPPF.

36. *Prior to the first use of any business/storage or distribution unit formed from the employment floorspace hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority incorporating measures to promote the use of sustainable modes of travel instead of private car by staff of the business/storage or distribution units. The Travel Plans required by this condition shall be implemented as approved and shall be continually monitored by a Travel Plan Coordinator (TPC) appointed by the relevant occupier of the business/storage or distribution unit or the developer of the employment floorspace to ensure that they meet their objectives and targets. The contact details of the TPC shall be provided in each Travel Plan required by this condition. In the event that the objectives and targets of any Travel Plan required by this condition are not met, the Travel Plan shall be updated by the TPC setting out further measures in order to rectify this. Copies of the Travel Plans or updated Travel Plans, as the case may be, shall be made available to the Local Planning Authority upon request during normal business hours.*

Reason: To promote sustainable modes of travel in the interests of reducing greenhouse gas emissions and pollution, in accordance with Policies SS13, TA1, TA2 and DE3 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraph 36 of the NPPF.

37. *Prior to the first occupation of the development hereby permitted, details of a pedestrian link from the recreational footpath to the south of the site (western parcel) to the "Hilltop Park" approved under planning permission P/2015/0124 to the east of the site (western parcel) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include plan and section drawings at scale 1:20 or larger, and include details of any gate or stile to be provided. The approved details shall be implemented prior to the occupation of the dwellings.*

Reason: To provide a pedestrian connection to the land to the east of the site to encourage green infrastructure links and active lifestyles in accordance with

Policies SS9 and DE1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030.

38. *No delivery vehicular movements to any business/storage or distribution unit formed from the employment floorspace hereby permitted nor any loading or unloading of vehicles in connection with the aforementioned units shall take place except between the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 on Saturdays. There shall be no deliveries to the units nor any loading or unloading in connection with the same on Sundays or Bank and Public Holidays.*

Reason: To protect residential amenity in accordance with Policy DE3 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and paragraph 123 of the NPPF.

39. *No dwelling shall be occupied until its allocated parking space(s) and access thereto, as shown in the approved details of reserved matters, has been provided and made available for use. All car parking spaces and access thereto, including any visitors parking, as shown in the approved details of reserved matters, shall be provided and made available for use prior to the complete occupation of the development. The parking space(s) and access thereto shall be kept permanently available for parking and access purposes thereafter.*

Reason: To ensure that adequate off-street parking and access thereto is provided for the dwellings and kept permanently available for use in the interests of highway safety and residential amenity, in accordance with Policies TA2 and TA3 of the Adopted Torbay Local Plan - A landscape for success 2012-2030.

40. *No business/storage or distribution unit formed from the employment floorspace hereby permitted shall be brought into use until its allocated parking spaces and access thereto, as shown in the approved details of reserved matters, have been provided and made available for use. The parking spaces and access thereto shall be kept permanently available for parking and access purposes thereafter.*

Reason: To ensure that adequate off-street parking and access thereto is provided for the business units and kept permanently available for use in the interests of highway safety and amenity, in accordance with Policies TA2 and TA3 of the Adopted Torbay Local Plan - A landscape for success 2012-2030.

Approved Plans

Additional Information - P2015-0983-19 (Received 29/10/15)

Proposed Various - 3010-005 (Received 09/12/15) - (Version A Internal link road)

Proposed Layout - 3445-203 (Received 09/12/15) - (Version M)

Proposed Layout - 3010-004 (Received 07/12/15) - (Version C emergency access)

Proposed Layout - 3010-003 (Received 07/12/15) - (Version D)

OS Map/Site Location - 3445/100/B (Received 03/12/14) - (Version B (Amended Boundary))

Proposed Layout - 3010-100 (Received 03/11/14) - (Version A (Proposed Access))

Relevant Policies

SS2 - Future Growth Areas
SS3 - Presumption in favour of sustainable dev
SS4 - The economy and employment
SS5 - Employment space
SS6 - Strategic transport improvements
SS7 - Infrastructure, phasing and employment
SS8 - Natural Environment
SS9 - Green Infrastructure
SS10 - Conservation and Historic Environment
SS11 - Sustainable Communities Strategy
SS12 - Housing
SS13 - Five Year Housing Land Supply
SS14 - Low Carbon and Climate Change
SDP1 - Paignton
SDP3 - Paignton North and Western area
TA1 - Transport and accessibility
TA2 - Development access
C1 - Countryside and the rural economy
C4 - Trees, hedgerows and natural landscape
NC1LFS - Biodiversity and Geodiversity_
H1LFS - Applications for new homes_
H2LFS - Affordable Housing_
H3LFS - Self build affordable housing_
DE3 - Development Amenity
SC1 - Healthy Bay
SC2 - Sport, leisure and recreation
SC3 - Education, skills and local labour
SC4 - Sustainable food production
SC5 - Child poverty
ES1 - Energy
ER1 - Flood Risk
ER2 - Water Management
W1LFS - Waste hierarchy_
W2LFS - Waste audit_
W3LFS - Existing waste management facilities_
M3LFS - Preserving local building stone_