

Application Number

P/2016/0610

Site AddressLand At Brixham Road
Yannons Farm (Area D)
Paignton**Case Officer**

Mr Scott Jones

Ward

Blatchcombe

Description

Submission of Reserved Matters relating to layout, scale, appearance and landscaping in relation to P/2015/0124 (Hybrid application. Full planning application for 70 dwellings, related infrastructure, landscaping, play areas and a hill top park. Outline planning permission for up to 70 dwellings with all matters reserved except for access)

Executive Summary/Key Outcomes

The application is for reserved matters relating to the layout, scale, appearance and landscaping for 70 dwellings approved in outline under planning reference P/2015/0124 (determined by the Development Management Committee in December 2015), which relates to land referred to as Yannons Farm Area D that is set on the western outskirts of Paignton to the west of the Brixham Road near to the emerging Yannons Local Centre (including an Aldi store) and the PMU.

The reserved matters detail is considered to be broadly in accordance with the indicative plans that supported the outline application. There are however areas of divergence from the outline information, principally in terms of a reduction in the number of apartments within the housing mix, a different treatment of the entrance area to the development in the south-eastern corner of the site, and subtle arrangement amendments and landscaping detail. It should be noted that the details submitted at outline stage were illustrative only and did not form part of the grant of outline planning permission.

Officers consider the proposals to be acceptable, subject to some minor modifications and improvements in order to achieve a satisfactory form of development, in line with relevant Policies in the Torbay Local Plan. These modifications relate to width/alignment of the estate road, garden sizes, parking provision and public realm improvements.

The scale of buildings are deemed acceptable with a mix of two and three storey buildings of domestic scale throughout the development. The layout remains principally aligned with the indicative outline scheme and is largely considered acceptable, presenting a coherent network of streets framed by buildings. The appearance of the dwellings is considered acceptable as they reflect the earlier phases of the Yannons development and will reinforce the emerging character of the area. The landscaping proposals are broadly acceptable however they do

not quite achieve the softening of the development that is expected and enhancements are required if it is to achieve the vision of the outline proposal.

There are a number of aspects of the proposal which require further consideration, the chief elements of which are summarised below.

The current building form and arrangement at the south-eastern corner requires improvement. The outline proposal presented an ethos of a green link and informal public open space for this area, which has been severely weakened at this detailed stage. As matters stand the south east corner requires further thought in order to deliver a better framed strategic corner and entry point into the development that presents a "place" and also supports the concept of linked green spaces.

The estate road that sweeps across the southern end of the site and turns the corner northwards, which will serve the development and adjoins other residential land to the north (Planning Ref: P/2014/0983, mixed use development granted outline permission by Development Management Committee in December 2015), is not presently designed to adequately facilitate a strategic bus route linking Brixham Road with Yalberton Road, via land rear of Sainsbury's. The width of this road needs to be increased to allow for use by a bus. The applicant has indicated that they are willing to amend the submitted plans.

Minor revisions to improve the arrangement of parking spaces should be achieved to limit, as far as practicable, the scale of parking courts and the provision of remote parking set away from the relevant dwellings. The level of parking is itself considered acceptable with at least two spaces per dwelling (and one per apartment) provided, along with a number of visitor spaces.

There are a number of gardens that fail reach the expected guideline for dwelling amenity space as outlined within the Local Plan, which is 55 square metres of usable amenity space. Consideration to improve the residential environment where practicable is necessary.

There are also minor elements that require further negotiation with the applicant, largely in terms of the quality of some of the more prominent plot boundary treatments, in order to achieve the quality of public realm that aligns with the outline information.

The present level of soft landscaping and tree planting is considered inadequate as it would not soften the built form to the level expected within the edge of settlement context or align itself with the indicative proposal presented at outline stage. There is however considered scope to achieve adequate landscaping within the presented layout and further consideration of this has been requested.

Subject to the matters above being adequately addressed the Reserved Matters

proposals are considered to be acceptable for planning approval. These points have been discussed with the applicant who has agreed to review the submission. Revised plans are expected to be submitted prior to the committee meeting.

Recommendation

The Reserved Matters are recommended for approval, subject to the receipt of satisfactory revised detail that responds to the issues summarised above, to include:

- (i) Receipt of revised plans that provide an adequate corner/arrival design solution in the south east corner of the site,
- (ii) Receipt of revised plans that include a highway design that can adequately accommodate a future bus route, in consultation with the Local Highway Authority,
- (iii) Receipt of revised plans that improve the current provision of parking, garden amenity space, bin storage, boundary treatment and landscape provision.

Members will be updated on advancement of these issues however if these issues remain unresolved at the point of the Committee it is recommended that the satisfactory resolution of these matters is delegated to the Head of Planning

It is recommended that the drafting of any necessary conditions required (in support of those imposed at outline stage) is delegated to the Head of Planning.

Statutory Determination Period

This is a 13 week application for which the decision due date is 27th August 2016. A committee resolution to approve subject to detail being finalised by officers (where necessary) will enable determination within the 13 week decision period.

Site Details

The proposal site is part of a wider area of land known as Yannons Farm, situated to the west of the Brixham Road, near to the emerging Yannons Local Centre/Aldi Supermarket and the PMU.

The land is principally a hedge and tree lined rectangular field circa 1.8 hectares in size. The site slopes gently down from the south-east corner to the north-west corner.

To the south lies Yannons Area C which was granted detailed permission for 70 dwellings within the hybrid application that permitted the 70 dwellings in outline in Area D.

To the north and west lies open farm land that is a designated Future Growth

Area where Members recently considered and approved outline consent for up to 192 dwellings and between 7400 and 9200 square metres of employment development (B1 and B8 Uses) which amongst matters was subject to safeguarding links through to already emerging development to the south (Yannons).

As stated to the east sits the PMU and Yannons Farm Local Centre/ Aldi.

The site falls in the sustenance zone of the Berry Head SAC roost for the Greater Horseshoe Bat colony.

Detailed Proposals

This is a reserved matters application that is seeking approved for the layout, scale, appearance and landscaping for the 70 dwellings approved in outline under the hybrid application referenced P/2015/0124 (70 approved in detail (Area C) and 70 approved in outline (Area D)).

The submitted plans show 70 dwellings, with car parking provided through garaging, driveways and some parking courts.

There is a mixture of 2, 3 and 4 bed properties provided through the mix of detached, semi-detached and short terraces.

There are 10 detached dwellings, 2 semi-attached dwellings, 18 semi-detached dwellings, 35 dwellings arranged in short terraces (each of 3-5 units), three apartments, and two FOGs (Flat Over Garage).

The development is to be accessed off the spine road and junction arrangement that is already approved in detail through previous phases and the detailed element of the associated hybrid application.

Summary Of Consultation Responses

Urban Design Advisor:

Key points include:

- The south east corner of the site is now weak in terms of its urban design and alternative strategies should be sought to create the informal open space and urban form that was identified at outline stage.
- Revisions to the parking arrangement could be achieved to improve layout and access to the related dwellings.
- The north west corner of the site is an inefficient use of space and more thought should be given to the solution for this area.
- The alignment of buildings on the south west corner may be improved by presenting a stagger towards the deeper pair of semi-detached properties.
- The northern end of the green link may be better considered to achieve more purpose in terms of connections, both present and future

- development in the area.
- The parking courts could be improved to provide a more integrated shared space between pedestrians and vehicles where there is an absence of footways.
 - Blank gable ends evident in the street could be improved to provide natural surveillance to public areas.
 - The flats over garages should be detailed to provide natural surveillance.
 - Garage sizes appear undersized when compared to policy standards.

Strategic Transport/Highways:

The main spine road through the development should be capable of accepting a bus service. The current 4.8m wide highway should be widened to at least 5.4m (ideally 6m) with a minimum of 1.7m footways to either side. If this is not achieved an access through the distributor road adjacent to the PMU should be explored.

It would be advantageous to reduce the use of parking courts, although other constraints may limit this.

Cycle storage should be required and garages, where they are supplied to meet the Local Plan guidance level on the number of spaces, should accord with the size guidelines within Appendix F of the Local Plan.

Green Infrastructure Officer:

The proposals appear in accordance with the outline submission and suitable conditions have been achieved under the parent hybrid approval for construction management, lighting, tree protection, scrub clearance, landscaping, landscape and ecological management and bat monitoring. The mechanism for cirl bunting mitigation should be finalised to ensure that timely mitigation is achieved

Ecological Advisor:

As the detailed proposal largely accords with the information presented at outline stage there is no need to undertake a further HRA (Habitat Regulations Assessment) in regard to any likely impact upon the Greater Horseshoe Bat.

Arboricultural Officer:

It is important that the existing trees and hedgerows are protected during construction.

The proposed trees within the landscaping proposals are considered inappropriate in terms of their visual massing, longevity and species selection in terms of their integration within the context.

An insufficient number of trees is provided to adequately soften the local built environment. However opportunities throughout the site do exist for enhanced planting with enhancement of the public tree offer, supplemented by additional

tree planting within private spaces.

Natural England:

Support the comments of the Council's Green infrastructure Officer.

It is noted that the detail and further information relating to conditions attached to the parent hybrid application is yet to be addressed.

Detail relating to Conditions 03 (CEMP), 04 (Lighting Design), 09 (Landscape), 10 (External lighting), 11 (LEMP) and 12 (Bat monitoring) should be achieved prior to determining the Reserved Matters (information is currently being considered for Phase C and these conditions have yet to be formally discharged).

Further in terms of detail the western boundary shows a maintenance strip but does not provide an explanation. Also the adjacent devon banks and dark corridor falls outside the red line boundary, which were included within the parent outline application and part of the HRA consideration.

RSPB:

Reiterate that previous comments were supplied on the hybrid application and that there are a number of conditions attached to safeguard ecological interest and s106 obligations relating to curlew bunting.

It would be beneficial if the mechanism for achieving curlew bunting mitigation was agreed prior to determining the reserved matters, and that Natural England and the Council's ecologist should be consulted to ensure all necessary conservation measures are safeguarded.

Police Designing Out Crime Officer:

The FOGs provide welcome surveillance over the adjacent parking court. Lighting is required to illuminate doors, the shared parking areas and footpaths leading to dwellings, which should project sufficient light. Low brick walls should be topped with railings where they abut the public realm, and rear gates should be lockable on both sides.

Environment Agency:

Wish to make no comment.

Summary of Representations

None.

Relevant Planning History

P/2015/0124 - Hybrid application. Full planning application for 70 dwellings, related infrastructure, landscaping, play areas and a hill top park. Outline planning permission for up to 70 dwellings with all matters reserved except for

access - Approved 12.12.2015

P/2010/0289 - Mixed use development to form approx. 220 dwellings, approx. 5,600 sq. m. gross of employment (B1) floorspace, local centre and public open space with roads and car parking (In Outline) as a departure from the Torbay Local Plan. Approved 04.10.2011.

Relevant history on adjacent site (Parkbay Garden Centre/Holly Gruit):

P/2009/1287 - Residential development to form approx. 95 dwellings with associated vehicle/pedestrian access, roads; footpaths (In Outline). Approved by Members at the committee meeting of 19 April, 2010 subject to conditions and a s106 legal agreement.

Relevant history on adjacent site (Jackson Land/Land off Yalberton Road):

P/2014/0983 - 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) (DEPARTURE FROM THE ADOPTED TORBAY LOCAL PLAN 1995-2011) - Resolved Approval December 2015, pending formal decision subject to S106 Legal Agreement.

Key Issues/Material Considerations

The key issues to consider are:

1. The principle of development,
2. Design/appearance,
3. Highways/Movement,
4. Residential amenity,
5. Parking,
6. Landscaping,
7. Ecology.

1. Principle of development:

Outline consent has been granted for 70 dwellings on this site under the hybrid application approved by Members at the December 2015 Committee.

This application was approved having subject to a legal agreement and conditions which included construction management, ecological and landscape management, detailed design and provision of elements such as parking and cycle storage.

The principle of development was established by this outline application (*P/2015/0124*) and this Reserved Matters accords with the established principal of 70 dwellings on the land.

The land is also identified as a Committed Development Site within the Local Plan as part of the strategic allocation for locations to the north and west of Paignton to provide a range of housing, employment and local facilities.

In regard to adjacent context land to the north and west is a designated Future Growth Area and Members recently considered and approved outline consent for up to 192 dwellings and between 7400 and 9200 square metres of employment development (B1 and B8 Uses) on this land.

2. Design/appearance:

This application represents the fourth and final phase of related development and follows the Local Centre (Area A), the existing residential element to the south east (Area B that is built out and occupied, and Area C, which was approved in detail within the parent hybrid application approved in December 2015.

The building form and scale that is proposed principally follows the design 'blueprint' established within the earlier phases of residential development. Buildings are 2/3 storey in scale and are provided in an arrangement of detached, semi-detached and short terraces. In regard to the proportionate make-up the scheme proposes 10 detached dwellings, 2 semi-attached dwellings, 18 semi-detached dwellings, 35 dwellings arranged in short terraces (each of 3-5 units), three apartments, and two FOGs (Flat Over Garage). There is a mixture of 2, 3 and 4 bed properties.

In regard to detailed design the form again take the modern clean style of the adjacent phases, with largely rendered properties, with grey windows, grey tiled roofs and elements of cladding to add visual interest. This reflects and builds on the evolving character.

There are a number of matters that the applicant has been asked to review. These include:

The design and layout in the area of plots 1-4, in the south east corner of the site, requires further thought as the current proposal presents an unacceptable solution for what is an important corner and entrance point. The outline proposals illustrated a sense of "place" and an informal green space in this area and this is not presently achieved. Officers are in discussion to seek revised detailing of this part of the development that better reflects the outline application and members will be updated on this matter.

The quality of the car parking courts requires further consideration in order to seek a high quality pedestrian friendly environment, as presented at outline stage. Officers are in discussion on raising the quality of boundary treatments, improving hard and soft landscaping, and the solution for waste storage and collection methods. Members will be updated on these points.

Subject to the satisfactory resolution of the corner element in the south-eastern corner, together with improvements to some of the more minor detail of the buildings and arrangement, the design and appearance is considered acceptable, and would be consistent with Policies DE1 and SDP3 in the Torbay Local Plan.

3. Highways/Movement:

The development has a fixed access at the south-east corner, which has been approved in detail. This provides access to the site from the wider principal road network near to the PMU unit and further eastwards from the junction with the Brixham Road opposite Roselands Drive.

Within the site the proposed road layout largely follows that indicative layout presented at outline stage. There remains a principal road that runs along the south before turning northwards, with secondary roads and parking courts off it. A pedestrian, cycle and bus link through to adjacent development land to the north remains within the framework of the layout.

The layout provides an appropriate hierarchy of streets and supports the concept of perimeter development to frame the roads with dwellings, to provide natural surveillance of these areas.

The principal road is detailed to provide a link to the north, which is strategically important to ensure there is opportunity to provide the desired access, such as for a bus link or emergency services. The scale of this route is however currently designed with a 4.8m wide carriageway and this is considered inadequate for the purposes of a future bus route. Officers are in discussions with the applicant in order to secure a highway that is at least 5.4m wide (and at least 6m around the corner section) in order that the future bus link is not prejudiced. The applicant has indicated that they are willing to revise the submitted plan.

All other aspects of the highway network are considered acceptable with secondary streets suitably designed and parking courts suitably scaled in order to achieve adequate manoeuvring.

In terms of wider movement patterns there is a "green" footpath along the eastern flank of the development and there are also footway links through the heart of the development. These, together with the highway network, provide good permeability through the site.

Subject to achieving the satisfactory resolution in regard to the width of the principal carriageway, to the satisfaction of the Council's Strategic Transport Officer in consultation with the Highway Authority, the highway and movement detail is considered acceptable.

The Authority should ensure that the relevant Section 38 highway agreement is

obtained guaranteeing that the roads are built to adoptable standards in order to ensure a satisfactory means of access to the dwellings hereby permitted .

In conclusion, subject to the receipt of satisfactory revised plans the proposed development would accord with Policies TA1, TA2 and TA3 in the Torbay Local Plan.

4. Residential amenity:

There are 70 new dwellings which will provide a mixture of 2, 3 and 4 bed properties. There are 10 detached dwellings, 2 semi-attached dwellings, 18 semi-detached dwellings, 35 dwellings arranged in short terraces (each of 3-5 units), three apartments, and two FOGs (Flat Over Garage) within the scheme.

Officers consider that there is a good range of house sizes and that the majority of the properties benefit from rear gardens, with the exception of the upper floor apartments and flats over garages.

The explanation to policy DE3 of the Torbay Local Plan 2012-2030 recommends 55sqm of private amenity space for dwelling houses and 10sqm for flats. A number of gardens fall below this recommended guideline and in terms of detail 23 units have gardens below 40 square metres. Policy DE3 seeks to ensure that all development should be designed to provide a good level of amenity for future residents and uses various factors, including garden sizes, to assess this. It is not considered essential for all dwellings to achieve at least 55m² of garden space, but the scheme should present a good residential layout and environment for future users. The close proximity of the "Hill Top" park is relevant to the amenity issue but should not be permitted to undermine the provision of a good-quality residential environment within individual plots. Officers are seeking improvements to the size of gardens where possible and Members will be updated on this matter .

In regard to internal living environments the dwellings are acceptable in terms of internal floor space and are largely well proportioned.

For the majority of plots the level of inter-visibility is limited due to the layout of the dwellings and separation distances. Where there are properties in relatively close proximity to one another they are generally positioned at oblique angles, which will limit any potential harmful inter-visibility.

Subject to practicable enhancement to the garden sizes the quality of the residential environment is considered acceptable for all future users, and would accord with Policy DE3 in the Torbay Local Plan.

5. Parking:

Policy TA3 and the associated appendix F states that the Council will require appropriate provision of car, commercial vehicles and cycle parking spaces in all

new development, with Appendix F outlining the expected guideline.

Appendix F states that, in locations such as this (out of town centre), dwelling houses will be expected to provide two parking spaces per dwelling unit, with apartments requiring one per unit.

At least two parking spaces per dwelling house are provided throughout the development and these are supplemented by additional visitor spaces in two of the three parking courts. There are a number of properties that are afforded a third garage space, however the garages are not size compliant with the new standards outlined within Appendix F and although they could well be used for parking they are not technically considered to be third spaces.

As all dwellings are supported by at least two spaces and all apartments with at least one space, the proposal is considered acceptable in terms of the level of parking provision throughout the development.

Notwithstanding the above there are a handful of plots that have a degree of remote parking and there would appear scope to improve the layout and provide assigned parking nearer to related properties. There are also some anomalies to the parking assigned to certain units. In addition the Highway Officer has raised some concern in regard to the parking for units 50 and 51 set on the corner of the highway and consideration should be given to providing these spaces elsewhere. Officers have requested further consideration of the parking provision and Members will be updated on this matter.

All but one dwelling has access to the rear gardens to enable cycle storage provision to be provided. There is provision within the grounds of the three apartments for cycle storage and clarification of the storage potential for the FOGs is being sought. There is expected scope for compliant storage space either under the staircases or adjacent to the one space that they are required to provide to be policy compliant

Subject to some minor clarification and improvements the parking provision and arrangement is considered policy compliant and suitable for approval.

6. Landscaping:

The outline approval has established a number of conditions relating to landscape in order to protect the current features and related ecological interests, which include construction management and landscape and ecological management parameters being submitted and agreed.

In regard to the proposed landscape the vision presented at outline stage detailed a green lane on its eastern flank with an orchard and informal public space linked by an open meadow seed public footpath. More widely the landscape strategy outlined that native planting would reinforce the existing

planting and seek to create a special place where people could interact with the environment. As a response to the outline proposals the scheme is currently unsuitable for approval. Although the orchard remains the green lane has been weakened by the loss of the informal public space at its southern axis. Improvement to this aspect in order to deliver an acceptable landscape strategy for the site

More widely the level of tree planting appears less significant than that presented at outline stage in terms of both the number of trees planted and also their expected significance. The Council's Arboricultural Officer has highlighted concerns that the level of planting and the choice of species will not adequately soften the built environment. Although the current level and detail of landscaping is considered unacceptable there is considered potential within the layout presented to provide a suitable scheme.

The applicant has indicated that they will seek to strengthen the green route and improve the tree coverage throughout the site. A response is expected prior to the committee and members will be updated.

7. Ecology:

The ecological context was duly considered when consent was granted in outline for 70 dwellings.

A Habitat Regulations Assessment (HRA) was undertaken which concluded that there would be no likely significant effect upon the greater Horseshoe Bat Colony at Berry Head, subject to the imposition of a number of conditions. These conditions sit on the outline consent and it remains that they should be complied with. The Council's ecological advisor has reviewed the Reserved Matters application and has concluded that a further HRA is not required as the development principally accords with the indicative proposals presented at outline stage that informed the HRA. It is noted that Natural England, within their consultation response to the Reserved Matters application, have stated that a number of conditions require satisfying prior to the granting of consent. NE have clarified that they principally support an approach that ensures that all the ecological aspects are dealt with in a timely manner. It is considered that determination of the Reserved Matters would not prejudice the due consideration of the schemes ecological impact as this would not affect compliance with the number of previously imposed conditions.

As appropriate planning conditions were imposed at outline stage to respond to the ecological sensitivity of the site it is not expected that any further conditions in this regard are necessary. The Council's Green Infrastructure Officer has confirmed that suitable planning conditions have already been secured.

In regard to other ecological matters raised in consultation responses the RSPB have highlighted that the parent hybrid application was subject to a S106

financial obligation to secure Cirl Bunting mitigation. The S106 Agreement requires this to be paid to the Council prior to the first occupation of the first dwelling to fund agreed management on identified land at Cockington. The RSPB view that it is prudent to secure the arrangement for this transfer prior to determining the Reserved Matter, which is a view mirrored by the Council's Green Infrastructure Officer. It is considered that the S106 Agreement secures the process and requirements for Cirl Bunting mitigation and thus the Reserved Matters can be determined on its own merits without prejudicing this.

In regard to context the Council is currently considering detail to discharge a number of ecological conditions that are attached to the parent hybrid application.

S106 -

A S106 agreement for this site was agreed under application reference P/2015/0124/MOA. No further legal agreement is required.

Conclusions

In conclusion, the proposed development largely accords with the outline consent. There are a number of matters that require the submission of revised details. It is expected that this information will be received prior to the Committee meeting.

Subject to satisfactory resolution in regard to the form of development presented to the south-eastern corner of the site, achieving a highway design through the site suitable for a bus link, and resolving concerns in regard to parking arrangements, levels of amenity space, boundary treatments, waste collection detail, the Reserved Matters detail is considered suitable for planning approval, as it would be aligned with the outline detail previously considered by the Authority and accord with relevant Local Plan policy guidance, notably Policies DE1 (Design), DE2 (Building for Life), DE3 (Amenity), DE4 (Building Heights), TA3 (Parking requirements), C4 (Trees, hedgerows and natural landscape features), SS11 (Sustainable communities) and SS3 (Presumption in favour of sustainable development).

Limited conditions may be necessary where they relate directly to the reserved matters. The drafting of any necessary conditions required (in support of those imposed at outline stage) is requested to be delegated to the Head of Spatial Planning.

The applicant will still need to ensure that conditions on the outline consent are satisfied.