

Application Number

P/2016/0947

Site AddressLand To The Rear Of 16 To 26 Castor Road
Brixham
TQ5 9PY**Case Officer**

Mr Alexis Moran

Ward

St Marys With Summercombe

Description

Erection of 10 dwellings (Revision to originally proposed layout and site area).

Executive Summary/Key Outcomes

The site is a 0.28 hectare parcel of land located to the rear of nos. 16-26 and the Sea Anglers club, Castor Road, Brixham. Weston Close is to the west, Drew Street is to the north-west. The access to the site would be from Castor Road between 26 and 28/30 Castor Road. The site is effectively backland development, and there are limited views of the site from the surrounding area. The site is largely disused at present and principally covered in grass. It is used by the applicant for storage in relation to their landscaping business. There is an Urban Landscape Protection Area to the south which is the St. Mary's Church graveyard.

The application seeks permission for the addition of 10 dwellings to the site including the associated formation of a vehicular access and road to serve the development. There are to be 2x2 bedroom houses and 8x3 bedroom houses, the latter would make use of the room in the roof and which each include a modern designed flat roof dormer. The dwellings would be grouped around a central landscaped courtyard.

The proposed materials for both house types consist of render at ground floor level. The first floor and side elevations of the dwellings are to be clad in timber and it is proposed that the roofs will be covered into use fibre cement slates.

The proposal seeks to provide a development of quality homes with good sized external amenity areas within an intimate setting. There are pinch points where the proposed dwellings are sited in close proximity to existing dwellings on Castor Road and Weston Close. However the orientation of the proposed dwellings and the size and siting of the proposed windows would minimise loss of privacy and overlooking.

The proposal provides 12 parking spaces with 10 allocated spaces and 2 visitor spaces. This ratio is below the 2 per dwelling required by Policy TA3. However the site is located in close proximity to a local convenience shop and is within

easy walking distance of bus stops and a 10 minute walk from the town centre. On balance the level of parking is considered to be acceptable and aids in providing a less car dominated development.

An access lane to the storage area and residential properties to the north is proposed between unit no. 7 and unit no. 8.

There has been a number of objections and a number of letters of support to the application. Brixham Town Council have objected to the application on the basis of a lack of car parking and concerns raised by the Police Architect Liaison Officer. Local residents have raised concerns about the scheme on the basis of overlooking, loss of privacy and amenity, lack of car parking and density of development.

The proposed development would provide ten new dwellings in a sustainable location in the town. It would make effective use of this site and would create a good quality development. It is deemed to be appropriate for conditional approval.

Recommendation

Conditional approval subject the receipt of further information relating to drainage and highways, final drafting of conditions to be delegated to the Executive Head of Business Services.

Statutory Determination Period

The decision on this application was due on 30.11.2016. Due to the need to resolve details in relation to the layout and drainage, the applicant has agreed to an extension of time until after the Development Management Committee of 12.12.2016.

Site Details

The site is a 0.28 hectare parcel of land located to the rear of nos. 16-26 and the Sea Anglers club, Castor Road, Brixham. Weston Close is to the west, Drew Street is to the north-west. There is an Urban Landscape Protection Area to the south which is the St. Mary's Church graveyard. Part of the site boundary includes a section of the front of 26 Castor Road which the applicant owns and which aids in allowing the retention of a suitable visibility splay.

To the north of the site there is a collection of ancillary barn and storage buildings which have recently received planning approval for conversion to 2 residential units (planning reference: P/2014/1264/PA). The Higher Brixham conservation area lies to the north of the development site.

The site is currently used as a private extended garden and storage yard for the applicant's landscape gardening business.

Detailed Proposals

The application seeks permission for the addition of 10 dwellings to the site including the associated formation of a vehicular access and road to serve the development, off Castor Road. An access to the north-west of the site is also proposed between units 7 & 8 to provide access to a storage building behind to allow the applicant to store tool and equipment associated with their landscaping business.

The proposed dwellings would be grouped in two terraces of three dwellings, with two pairs of semi detached dwellings. They would be laid out in a stepped form around a central landscaped courtyard area, that would incorporate car parking. Each property would have a private rear garden. The design would have a subtle contemporary character.

There are to be 2x2 bedroom houses and 8x3 bedroom houses the latter would make use of the room in the roof and which each include a modern designed flat roof dormer.

The proposed materials for both house types consist of render at ground floor level. The first floor and side elevations of the 3 bedroom units are to be clad in western red cedar shingles. The first floor and side elevations of the 2 bedroom units are to be clad in stained larch boarding.

The roof of the 3 bedroom units is to be tiled with “heather” coloured fibre cement slate with the 2 bedroom units having “blue/black” fibre cement slates. The dormers on the 3 bedroom units are to be zinc coated.

The rear first floor windows of all units are to consist of a pair of high level windows adjacent to thin full length slit windows.

Access would be via a new road between 26 and 28/30 Castor Road, which would have a pavement on the northern side. The road surface is to be bitmac with granite rumble strips, beyond the rumble strip the materials change to permeable concrete pavers to indicate a less car dominated and more intimate residential environment.

A 2.4m wide access lane to a storage building and buildings to the north of the site which have permission for conversion to 2 residential units (planning reference: P/2014/1264/PA) would be provided between units no. 7 and 8.

Summary Of Consultation Responses

Urban Design Officer - pleased to see the improvements to the design in the amended proposals. The strategy for dealing with the site access is now satisfactory in terms of its urban design.

Further detail of the design and specification of the new boundary and hard

landscape threshold detailing to the adjacent property (no 16 Castor Road) ought to be submitted prior to construction commencing on site. The other boundary to an adjacent property that is being affected is that to no 26 Castor Road – again it would be important to confirm what the new boundary specification here will be.

The landscape design to the common open space on the southern side of the connecting street needs to ensure good visibility and that there are no hidden areas created, with only lower species specified adjacent to the footpath and/or mature standard trees with clear main trunks up to the underside of the canopy. The detailed landscape planting scheme/layout could be submitted prior to works commencing on site and usefully confirm all of these matters. A concern still remains with regards to the access from this site onwards to the adjacent commercial property/store to the north. It might be better if this could be gated further to the west part way along the access lane – the flaring of the end of the lane now creates pockets of space which cannot be seen from the gap between houses. If a vehicular gate was introduced at a position just beyond where pedestrian gates might allow resident access to their back gardens then this would provide a clearer signal that the lane led only to private property and would deter potential casual occupation of the eastern end.

The tightening up of the layout around the central court area is welcomed. It is particularly good to see rear gardens increased in size. The adjustments to the elevational treatment address residual concerns regarding inter-visibility and the revised design of unit no 1 now deals with the initial presentation of the scheme on the approach – providing much improved natural surveillance over the entrance of the site.

Parking is better organised and we understand that the reduced standards proposed are considered acceptable given the site location. The spaces serving units 8, 9 and 10 might be better to be all located in the north eastern corner of the court – with one of the visitor spaces displaced to the bank of 5 spaces along the northern edge? If turning heads allow, it might be worth considering introducing a bollard(s) or similar feature(s) to prevent casual and errant parking immediately in front of unit 7.

There is a thin strip of private garden associated with unit 1 proposed to the outside of the curve of the connecting access street. This looks to be difficult to access/maintain and it might be more practical to consider extending the common open space that occurs further south to also include this narrow portion.

The landscape works to reinforce the retained hedgerow along the western edge of the site are welcomed – in the future, the hedge will be only accessible for maintenance from the private space of rear gardens. Some form of legal agreement may need to be drafted and put in place to ensure either that individual owners maintain the hedge and must not cut it down (to allow greater sunlight into their gardens) and/or access is allowed for collective management

of the hedge on their behalf by the management company.

There is no apparent way of directly accessing the rear garden of unit no 9 without going through the dwelling – this does not seem satisfactory, given that refuse and recycling is to be stored at the rear of the property.

Senior Heritage and Design Officer: No objections

Drainage: Further information from the applicant is awaited confirming that discharge at a controlled rate of 1.5l/sec is possible in accordance with the requirements of the Torbay Critical Drainage Area. Further information is also required relating to how an on site well is to be dealt with.

South West Water: No objection

Arboricultural Officer: No objection subject to the following conditions:

- Baseline tree survey in accordance with BS5837 2012 principally dealing with the protection hedge and trees bounding the site, which will allow informed commentary on hedge protection measures.
- Detailed landscaping plan in accordance with comments above, with attached management prescriptions to be prepared in accordance

Greenspace Co-ordinator – No objection subject to the following conditions:

- Clearance of any potential bird nesting habitat should only be undertaken outside of the bird nesting season (undertaken between September and end of February) or following confirmation immediately prior to clearance from a suitably qualified ecologist that no nesting birds are present. If a nest(s) is found, works will have to be delayed until young birds have fledged and the nest(s) is inactive.
- As recommended in the Ecological Appraisal (Sunflower Ecological Consultancy, November 2015), three sparrow nesting terraces should be fitted to the new structures to provide new opportunities for nesting birds. The specification and exact locations should be submitted for approval by Torbay Council prior to commencement.
- A Method Statement detailing the methodology for a destructive search for reptiles should be submitted to Torbay Council for approval prior to commencement.
- A Landscape Plan should be submitted for approval by Torbay Council prior to commencement. This should include details of proposed species, plant sizes and plant numbers/densities, as well as on-going management. The landscaping proposals should be developed in conjunction with an Ecologist and include species of benefit to wildlife.

Natural England: No objection

Highways: Torbay Council's Local Plan policies also focus on the importance of accessibility and improving road (Policy TA1 and TA2 from the new Local Plan

2012-2030). Sustainable transport links need to be provided to the adjacent developments.

The proposed junction should provide a suitable visibility at the junction with Castor Road. The Applicant needs to evidence that a safe and suitable access to the site as a minimum. The visibility should be in accordance with the appropriate design speed. If 25 mph speed has been evidenced for this section of Castor Road, a 2.4m x33m stopping sight distance (SSD ref MfS) would be required. The LHA also advise that 'Slow' Markings should be provided on the Highway just south of Castor Lodge in order to reduce vehicle speeds. This should be delivered via a s278 Agreement.

If the applicant is able to achieve an appropriate road junction with Castor Road (occupation of the application site would be need to be restricted by condition until these improvements had been implemented) and the minor access road is designed to an adoptable standard, (I understand the forward visibility on the bend and rumble strips can be implemented)...the LHA would not object in principle. However, it is noted that a reduced level of parking is proposed to reduce a car dominated layout nevertheless one parking space per unit and 2 visitor spaces will require sustainable transport measures to mitigate. Negotiations should therefore continue concerning the design details to ensure that the properties have appropriate access and parking provision for vehicles, electrical car charging point and cycles (and bin storage) to comply with Policies TA2,(Appendix F), DE1 and DE3 of the Local Plan. One of the visitor spaces should be appropriately designed for disabled people.

Brixham Town Council - Recommend Refusal. Lack of parking, as identified in Policy TA3 of the Local Plan, appendix F. Support the concerns of the Police report.

Police Liaison Architect - In principle the Police do not object to the proposal and fully support the cul-de-sac layout as being key in designing out crime by providing a secure, self policing and neighbourly community but there is concern with regard to the one parking space per dwelling.

Given the location of the site it may be considered that reliance of a vehicle will be reduced but unfortunately this is proving not to be the case with regard to other new developments in the county.

There appears to be no detail or mention of rear garden gates and in some cases it is not clear how access will be gained to rear gardens. All rear gardens must be gated. Gates must be 1.8m as a minimum height requirement to match the adjoining boundary treatment. The gates must be capable of being securely locked from both sides to enable rear gardens to be secure regardless of access or egress.

Where walls are used as rear or accessible side boundaries these must achieve or be made up to 1.8m in height to prevent and deter unauthorised access.

Summary Of Representations

A total of 18 representations have been received, 8 in support of the proposal and 10 objections. The objections to the proposal are as follows:

- Out of character
- Loss of privacy/overlooking
- Insufficient parking
- Layout and density
- Highways safety.

Relevant Planning History

DE/2016/0126 (pre application enquiry)- Land to the rear of 16 to 26 Castor Road, Brixham; the applicant was advised that the principle of residential development here was acceptable however alterations to parking and housing layout would be required.

P/2004/0319 - Residential development to form 4 No 1 bedroom flats, 4 No 2 bedroom flats, 1 No 2 bedroom house and 4No 3 bedroom houses with vehicular/pedestrian access – application refused 21.04.2004 .

P/2003/2030 - Residential development to form 4 No 1 bedroom flats, 4 No 2 bedroom flats, 1 No 2 bedroom house and 4 No 3 bedroom houses with vehicular/pedestrian access – application refused and subsequent appeal (APP/X/1165/A/04/1143574) dismissed 25.05.2004.

The Inspector advised that the proposal reflected a density that would make efficient use of an urban site near the town centre without appearing unduly cramped or causing undue harm to the character and appearance of the area. The Inspector also considered that the proposal would have an acceptable impact on the privacy of neighbouring residents.

The appeal was dismissed because of the impact on neighbour amenity of the properties on Castor Road through noise and disturbance caused by vehicle headlights due to the elevation of the road.

Key Issues/Material Considerations

The key issues relate to the principle of residential development, the scale and character of development, its impact on the amenity of adjoining occupiers ecology, landscape, highways and flood risk.

1. The principle of residential development and the design quality of the scheme.

The site is currently in use as an extended garden and storage yard for the applicant's landscape gardening business. It is considered to be a predominantly

greenfield site. There is a storage building on the site which is of poor quality and the site is currently poorly maintained. As the site is used as an extended garden its loss would have limited impact on the character of the area. The site is within an urban setting and is bound by residential buildings to the east and west.

Policy SS12 (Housing) states that housing provision will focus upon a sustainable pattern of distribution with an emphasis upon the regeneration of brownfield sites and town centre sites, and development of urban sites. The site can be considered to be urban and is close to the town centre.

Policy H1 (Applications for new homes) states that proposals for new homes within built-up areas will be supported, subject to consistency with other local plan policies. Given the urban location of the site and its current underutilised use, the principle of residential development on the site is considered to be acceptable.

In terms of design quality, it is necessary to consider the impact of the scheme on its surroundings as well as the internal quality of the development. The layout of the site has been improved significantly since the application was first submitted. The improvements to the scheme include pulling the dwellings forward within the site to create a more intimate development with the benefit of also increasing the size of the rear amenity areas. The original submission also included a parking area on the south side of the entrance to the site, this has now been replaced with a soft landscaped area which provides more of a sense of arrival.

The majority of the site is well screened from public views from the north, east and west given its location in a space surrounded by existing building groups. There is however sensitivity to the south which bounds the Urban Landscape Protection Area (ULPA).

Although a landscaping scheme to reinforce the existing boundary planting would limit the impact of the development on the ULPA and as the rear of dwellings 1 to 5 would be set off of the boundary, there is potential for their roofs to be visible when viewed from the ULPA. Policy C5 in the Torbay Local Plan requires development not to undermine the value of an ULPA as an open space or landscape feature. This proposed relationship to dwellings to the ULPA would not unduly harm the character of the ULPA and is considered consistent with current long distance views, which is not uncommon in urban areas.

Local Plan Policy DE1 (Design) states that developments should be well-designed and should respect and enhance the natural and built environment.

The Policy suggests that development should make the best use of space in terms of ground coverage and height and acknowledge local character. The proposed three bedroom units make excellent use of their ground coverage and

include rooms in the roof with well designed dormers. The design of the dwellings is considered to acknowledge the character of the area.

The surrounding built environment consists mainly of two storey dwellings on Castor Road to the east of the site, to the west of the site lies Weston Close which is made up of mainly bungalows. Due to the topography of the land Weston Close is at a higher level than the application site. The proposed properties are to be two storey with the three bedroom dwellings to have rooms in the roof. The development is therefore considered to relate to the surrounding built environment in terms of scale, height and massing;

The overall design of the proposed dwellings is considered to be acceptable and provides a distinctive and sensitive palette of materials.

The development provides an area of green space at the entrance of the site which is considered to provide a sense of arrival which leads on to a more intimate urban space with a degree of shared space so as to reduce the domination of the road and of vehicular traffic in general.

Unit 1 provides a slightly different house type to the others insofar as it includes fenestration on its south facing elevation and includes a projection to the elevation providing a subtle method to address the corner plot nature of its location and providing further natural surveillance to the entrance of the site. The development is considered to provide a suitable standard of legibility and would provide a sense of place with well sized garden areas for such an urban location which is within walking distance of the town centre.

The limited exposure of the site to public view coupled with the quality of the scheme in terms of both buildings and the intimate residential space results in a scheme that is acceptable from a design perspective. The proposed development would make a positive contribution to the appearance and character of the area.

Revisions to the original scheme have taken on board some of the points raised by the Police liaison architect and the parking layout has been amended to reduce the opportunities for crime and disorder.

The density of the scheme is approximately 35 units per hectare which is not out of keeping with the grain of the surrounding urban area.

Bearing the above points in mind and the consultation response from the urban design consultant, the proposal is deemed to comply with Policy DE1 of the Torbay Local Plan 2012-2030.

2. Impact on Amenity

Policy DE3 (Development amenity) of the Torbay Local Plan 2012-2030 states

that all development should be designed to provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding uses. The following criteria are amongst those which this Policy is assessed against:

- The impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution;
- Satisfactory provision for off-road motor vehicle parking, bicycles and storage of containers for waste and recycling;
- Impacts on existing living conditions and standards of accommodation of other uses;
- New residential development will need to have particular regard to outlook;
- Provision for useable amenity space, including gardens and outdoor amenity areas;
- New homes should be developed at a density which makes good use of land, whilst avoiding town cramming and the loss of open space; and
- Adequate floorspace should be provided in residential development to achieve a pleasant and healthy living environment.

The scheme is likely to impact on the privacy and amenity of neighbouring properties as the proposal will be located on a back land site. However the proposed dwellings have been orientated away from the existing surrounding properties which aids in respecting their existing privacy and amenity.

Unit no. 10 is sited in closest proximity to the neighbouring properties, this dwelling would be some 3m from the rear area of the Sea Anglers club and some 8m from the rear single storey extension of no. 16 and 18 Castor Road and 10m from the two storey rear of these properties. Whilst it is noted that no. 16 is in the ownership of the applicant, this may change in the future and consideration should be given to whether this relationship is acceptable for future occupiers. As the Sea Anglers club is not residential and its rear elevation hosts few windows it is not considered that the development would impact on current or future residential amenity. There are however some extract units on the rear of this building which may cause conflict with future occupiers of unit no.10.

Given its proximity, Unit 10 is likely to be the most overdominant of the proposed dwelling on the existing properties. The side elevation of Unit 10 would stretch along the whole of the rear elevation no. 16 Castor Road and would invariably have an overdominant impact on the rear amenity space of this property. It is however set off of the boundary and with suitable landscaping the overdominant effect would be reduced. On balance although this relationship is not ideal and does hint at the addition of Unit 10 being crammed into the development, the overbearing impact is considered to be insufficient to result in the refusal of the application in its own right.

The windows on the side elevations serve the stairways of the dwellings and therefore despite the proximity of the side elevations of no. 10 to the properties in

Castor Road and unit no. 5 to the property to the west in Weston Close (11m), it is not considered that there would be significant overlooking or loss of privacy as a result of the addition of these dwellings.

Unit no.5 appears to have the closest rear elevation relationship to an existing dwelling being some 15m from the rear of 6 Weston Close. However the rear windows of all the proposed dwellings consist of a pair of high level windows sited next to a full length slit window. This window layout provides minimal opportunity for overlooking and minimises angles of sight; this relationship is therefore deemed to be acceptable.

A rendered block wall and mature planting along the rear boundaries of the properties on Castor Road is proposed to overcome the issue previously made by the Planning Inspector in appeal ref: APP/X/1165/A/04/1143574 with regards to disturbance from vehicle headlights on the proposed site.

Objections to the application refer to loss of privacy and the overbearing nature of the development. However the layout of the proposed dwellings has been altered to provide larger rear gardens pulling the properties away from the site boundaries and the rear fenestration has been amended to provide high level windows with narrow full length slit windows. The proposed alterations are considered to have overcome the overlooking issues resulting from the originally submitted scheme and have reduced the overbearing impact of the additional dwellings.

The internal floor areas of the dwellings and the external rear amenity areas comply with the requirements of Policy DE3 and are considered to provide a good quality of residential accommodation. The properties are orientated to provide an intimate, inward looking, residential outlook with private spaces to the rear with soft landscaping around the edges and around the parking areas. The outlook of future residents is therefore considered to be suitable.

The access lane to the storage area and residential properties to the north lies between unit no. 7 and unit no. 8 and has the potential to cause noise and disturbance to these dwellings. However it is not considered that the number of vehicle movements along this access would be frequent enough to significantly impact the amenity of future occupiers of these properties.

The scheme provides one parking space per dwelling with two visitor spaces, 12 in total. The applicant was advised that a one-to-one ratio of parking spaces on this site would be acceptable given its location with a convenience shop in close proximity to the site access and being within easy walking distance to bus stops in Castor Road, Drew Street and Bolton Street. Brixham Town Centre is approximately 10 minutes away by foot.

However, Policy TA3 (Parking requirements) of the Torbay Local Plan 2012-2030

requires appropriate car parking provision in all new development with a ratio of two houses per dwelling (i.e. 20 spaces for the development proposed).

Advice on reducing the number of parking spaces to one per unit was provided at pre-application stage as it was felt that this would provide a less car dominated layout and environment and help to retain the original intimate design ethos of the development.

It could however be argued that the limited parking available for the development points towards it being town cramming and that 10 units are an overdevelopment of the site.

However the proposal is in an urban area and makes good use of an underutilised piece of land and provides an attractive form of development with well sized houses and external amenity areas. As such a site specific approach to Policy TA3 is deemed to be appropriate. In this instance given the aforementioned proximity to public transport links and the town centre and the impact additional parking spaces would have on the character of the proposed development, the one-to-one parking ration is considered to be appropriate.

The proposal is likely to result in the loss of some light into the rear gardens of the properties in Weston Close early in the day and to the rear gardens of the properties on Castor Road in the evening. However it would not cause significant levels of loss of light for long periods and would not cause a loss of light to the rear elevations of the existing dwellings.

Suitable bin storage is shown in the proposed layout plans, the implementation of which will be conditioned. Details and the implementation of appropriate cycle storage will also be sought by condition including confirmation of how unit 9 transports waste from the rear to the front without going through the dwelling.

It is considered , in order to ensure the character of the area is maintained, that parts 1 & 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 are removed. This would prevent the building of extensions to the main dwellings and outbuildings without first obtaining planning permission and would ensure that the character of the scheme is not detrimentally affected by inappropriate additions.

3. Flooding and Surface Water Drainage

The infiltration testing that has been carried out confirms that soakaways will not be a viable drainage option for this development and therefore a controlled discharge to the combined sewer will be acceptable. A controlled discharge rate of 1.5l/sec which is a requirement of the Torbay Critical Drainage Area appears to be achievable. However further information on this matter and on how an on site well are to be dealt with are awaited and will be required prior to the determination of the application.

4. Highways Impact

The applicant has provided a layout plan which states that a visibility splay of 2.4m x33m can be achieved. The Councils Highways department have confirmed that if this is achievable they would not object to the proposed access. Highways have advised that 'Slow' Markings should be provided on the Highway just south of Castor Lodge in order to help reduced vehicle speeds. This should be delivered via a section 278 Agreement, which can be secured by condition.

The parking standards have been discussed previously in this report under the "Impact on Amenity" section.

No provision has been made within the site for electric car charging points or for disabled parking. Highways advice is that one of the visitor spaces should be amended to provide one disabled parking space.

5. Ecology

The site is not considered to offer roosting opportunities for bats and is of limited value for foraging. Although the site lies within the Sustainance Zone for Greater Horseshoe Bats associated with the South Hams SAC at Berry Head due to the nature of vegetation on site, the proposal would not impact on Greater Horseshoe bats. Dormice are considered unlikely due to the urban location and no badger setts were found on site; an unidentified mammal track was present.

Rough grass around the margins of the site has potential for slow worms as does an old limestone wall which forms the western boundary of the site.. A reptile survey is therefore recommended.

The habitat is considered to be unsuitable for amphibians and no notable or protected invertebrates were recorded during the site visits.

The majority of plants recorded were opportunistic species which colonise bare and cultivated ground. Dense bramble was recorded in the south-east corner and there are old apple trees, other fruit trees and a young walnut growing within the site. The hazel hedge to the south is considered to be a feature of significant ecological value and, arguably, the most important habitat associated with the site.

The proposed residential scheme has been considered in regard to any likely significant effect on the environment in accordance with the requirements of the Town and County Planning (EIA) Regulations 2011 and it has been determined that an Environmental Statement is not required.

6. Landscape

The location of the site in a dense urban area, the proximity to the Higher Brixham Conservation Area and ULPA affords considerable weight upon the

requirement for a detailed and considered landscaping scheme.

The opportunity exists to create a landscape led scheme commencing at the entrance from Castor Road where soft landscaping will provide a sense of arrival. Further trees to the western elevation among the parking spaces and the beds dividing the site provide soft edges and aid in reducing any overlooking issues between the proposed properties and those in Weston Close. Similarly appropriate landscaping is considered to be of importance on the boundary of the site with the properties on Castor Road. Improvements to the existing hedge and trees on the south elevation will strengthen the boundary with the ULPA. It is considered that landscaping details, implementation and retention should be secured by condition.

S106

Not applicable to this application.

Conclusions

The proposed development would result in 10 new dwellings in a sustainable location, which would be consistent with the principle of Policy H1 (applications for new homes) in the Torbay Local Plan 2012-30. The form, layout and design of the proposed dwellings would be compatible with appearance and character of the surrounding area. Consequently subject to the receipt of additional information relating to drainage and highways is, on balance, considered to be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations, subject to the conditions itemised below ;

- A baseline tree survey in accordance with BS5837 2012 principally dealing with the protection hedge and trees bounding the site, which will allow informed commentary on hedge protection measures.
- Detailed landscaping plan
- Landscaping to be implemented
- Clearance of any potential bird nesting habitat should only be undertaken outside of the bird nesting season (undertaken between September and end of February) or following confirmation immediately prior to clearance from a suitably qualified ecologist that no nesting birds are present. If a nest(s) is found, works will have to be delayed until young birds have fledged and the nest(s) is inactive.
- As recommended in the Ecological Appraisal (Sunflower Ecological Consultancy, November 2015), three sparrow nesting terraces should be fitted to the new structures to provide new opportunities for nesting birds. The specification and exact locations should be submitted for approval by Torbay Council prior to commencement.
- A Method Statement detailing the methodology for a destructive search for reptiles should be submitted to Torbay Council for approval prior to commencement.

- A Landscape Plan should be submitted for approval by Torbay Council prior to commencement. This should include details of proposed species, plant sizes and plant numbers/densities, as well as on-going management. The landscaping proposals should be developed in conjunction with an Ecologist and include species of benefit to wildlife.
- Details of cycle store to be submitted for approval and then implemented
- Implementation of parking areas prior to occupation of dwellings
- Implementation of bin store areas prior to occupation of dwellings
- Details of all boundary treatments
- Section 278 agreement for the completion of the highways sign
- No permitted development rights (part 1 and 2)
- Implementation of drainage plan
- Submission of finished floor levels taken from a fixed ordnance datum point.

Relevant Policies

-