

Application Number

P/2016/0411

Site AddressLand West Of Brixham Road
Paignton
TQ4 7RZ**Case Officer**

Carly Perkins

Ward

Blatchcombe

Description

Approval of reserved matters (access, appearance, landscaping, layout and scale) following outline approval reference P/2011/0197 in relation to the erection of a retail store (ground floor level) with student accommodation above (first and second floor level), associated parking and landscaping (plans and proposal/description revised 16 February 2017)

Update Report:

On the 12th June 2017, the Development Management Committee considered a reserved matters application for the approval of the access, appearance, landscaping, layout and scale of a retail store with student accommodation above, landscaping and parking to serve the development. The Committee resolved to defer the application to allow for further investigation in respect of highway matters, particularly the opportunity to use an alternative access for delivery vehicles rather than White Rock Way and to consider whether student parking could be provided on the main South Devon College site.

Servicing the retail store by providing delivery vehicle access only from Waddeton Road would mean that there would be no vehicular access to the application site from White Rock Way. This is because the Council's Strategy and Project Officer previously advised that the use of this access for private domestic vehicles would lead to potential conflict between commercial and domestic vehicles and would result in highway safety issues unless an alternative layout is pursued. It is noted that the submitted plan also shows provision of an access into the adjacent site to serve a further area of development. The applicant has been advised to revise the plan to provide access only to the adjacent site from White Rock Way and to remove direct access to the application site. The applicant has also been requested to provide a turning bay for delivery vehicles within the site that would minimise conflict with private domestic vehicles. At the time of writing this report, the applicant had not responded to this advice but revised plans have been requested from the applicant. Members will be updated on these at the Development Management Committee.

Since the Committee in June, further discussions have taken place with highways colleagues and the applicant to explore whether additional parking can be provided on site. At the previous committee meeting, the proposed plans indicated 84 parking spaces for the retail use and 14 parking spaces for the student

accommodation use. For the retail element of the scheme, the ratio of parking provision would be 1 space per 19.6sqm of gross retail floor space. On balance, this level of parking provision was considered acceptable by Officers in light of the local centre location. Following Member concerns, the location of the development within a local centre has been reconsidered alongside the opportunities for alternative modes of transport and relevant TRICS data (database of trip rates for developments in the UK). Having considered this information, in consultation with Highways Officers, an approximate parking provision level of 1 space per 17sqm of gross retail floor space is considered appropriate taking into account use of sustainable modes of transport. This would require approximately 97 parking spaces to serve the retail element of the proposal however in line with Policy TA3 and associated Appendix F, this is a guideline requirement only and is negotiable taking into account the impact of the use and existing parking provision. In addition, a transport plan to encourage sustainable transport use and a car park management strategy to address the operation of the parking and allocation of spaces will be secured by condition. Revised plans have been sought from the applicant to detail this level of parking provision and members will be updated on these at the Development Management Committee.

Members also asked that the applicant to explore alternative parking provision elsewhere within the South Devon College campus. The applicant has agreed to explore this option further and the Members will be updated at their meeting. However whilst this would allow additional spaces to be used solely by the retail element of the scheme, there is concern about the student accommodation parking being located so remotely from the accommodation itself. Whilst there may be opportunities for additional student parking elsewhere within the South Devon College campus, such an arrangement is unlikely to be suitable and may encourage on-street parking within the locality. Members will be updated on this point at the Development Management Committee.

The Policy position in relation to on-site car parking provision is as follows; Policy TA3 in the Torbay Local Plan states that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development and that development proposals will be expected to meet the guideline requirements as set out in Appendix F. Appendix F states that in local centres, a minimum level of parking provision will be negotiated taking into account the impact of the use and existing parking provision. The previous outline consent (P/2011/0197 refers) included a supporting Transport Statement which stated that the parking provision for the development would not exceed the maximum standards set out in the adopted Local Plan 1995-2011 (at the time of the outline consent). No parking provision figure was provided for the retail element within the Transport Statement but it was noted that at the time of the outline consent, policy T25 of the Torbay Local Plan 1995-2011 stated that parking provision should be provided at a maximum level of 1 parking space per 14sqm of gross retail floor space and therefore 118 spaces maximum. At the time of this Local Plan (1995-2011) there was no differentiation between out of centre and local centre

proposals. The current Local Plan 2012-2030 however recognises this retail hierarchy defining local centres as areas of shops and similar uses generally serving only the immediate area. In line with this, they tend to be located within or adjacent to residential estates and accessible by a range of transport modes including walking, cycling and public transport. There is therefore a case for a lower level of parking provision than that required for out of centre retail proposals which are subject to a different standard. This is also supported by policy TA1 of the Torbay Local Plan 2012-2030 which states that developments should ensure that the use of cars is reduced wherever possible and that the most sustainable and environmentally acceptable modes of transport are promoted as integral parts of developments. In line with this it is not considered appropriate to provide an oversupply of parking such that it would encourage use of the private car when the location of this development is such that it should encourage access via walking, cycling and public transport predominantly.

Revised plans have been received which show an updated landscaping scheme detailing species mix and details of implementation and maintenance. Comments from the Council's Arboricultural Officer have been sought and will be presented to Members at the Development Management Committee.

Conclusion:

The provision of a retail store and student accommodation within the site has been established by the earlier outline application for the wider Whiterock site. This application granted permission for the principle of this development. In addition provision of these uses in this location is supported by current Local Plan policies. Consequently the principle of these uses on this site remains acceptable.

The form and design of the building is considered acceptable subject to the inclusion of conditions. Whilst further clarification is required in terms of access for commercial vehicles, the level of on-site parking provision and landscaping, officers believe these issues can be resolved, in compliance with national and local policy.

Recommendation:

Conditional approval subject to the submission of revised plans relating to access, on-site parking provision and landscaping. Final drafting of conditions to be delegated to the Executive Head of Business Services.

Recommended Conditions:

1. Implementation of landscaping
2. Details of plant
3. Parking provision
4. Cycle storage provision
5. Electrical charging
6. Waste storage provision
7. Materials

8. Large scale details
9. Provision of resident manager or similar
10. Management plan for student accommodation
11. Travel plan
12. Lighting
13. Drainage
14. Restricted access from White Rock Way
15. Car Parking Management Strategy.

Committee Report 12th June 2017: Amendments in bold

Executive Summary/Key Outcomes:

*The application is a reserved matters application submitted pursuant to outline application reference P/2011/0197 which sought outline consent for 37,000 square metres of employment space, 350 new homes and a local centre. The application seeks approval for the **access**, appearance, layout, scale and landscaping for 1,652sqm (gross) food retail store, 50 bed student accommodation and associated parking, landscaping and access from White Rock Way and Waddeton Road.*

The proposed building is three storeys to Brixham Road and three storeys stepping down to two storeys along White Rock Way. The proposed building is located along White Rock Way, between the eastern end of the building and Brixham Road is an area of public open space. To the north of the building are 116 parking spaces (8 of which are allocated for disabled people). Cycle parking is proposed to serve the retail and student accommodation use, the plans indicate that 10 cycle loops are proposed. Materials include vertical timber cladding, blue engineering brick, white rendered walls, aluminium framed windows and shopfronts, light brick with weathered appearance, PPC finished grey doors, grey metal cladding, slatted timber screens, brushed stainless steel bollards and cycle hoops, black metal railings and PPC dark grey canopy and cappings. Roads and car parking areas are proposed to be asphalt and the entrance area to the retail units is proposed to be concrete block. Landscaping is proposed throughout the site.

The provision of a retail store and student accommodation within the site has been established by the earlier outline permission for the wider White Rock site. This permission established the principle of development, and the continued provision of these uses in this location is supported by current Local Plan policies. Consequently the principle of these uses on this site remains acceptable.

The application site relates to the eastern bowl of the wider White Rock site which is largely grassed scrubland. The specific part of the wider White Rock site subject of this application was previously occupied by a number of light industrial units, an office and Sure Start centre, the site has now been cleared. Part of the wider site is under construction under the approved reserved matters scheme P/2013/1229 with a number of dwelling houses complete and occupied.

The application site is noted as a committed and other deliverable development site under policy SPD3.5 of the Torbay Local Plan for both housing and employment uses. The application site is also identified as a Proposed Local Shopping Centre under policy TC2.3.19 of the Torbay Local Plan and is located to the west of the Brixham Road, part of the Torbay Major Road Network. The site is bounded by White Rock Way to the south and existing hotel and restaurant developments to the north.

The form and design of the building is considered acceptable subject to the inclusion of conditions. Whilst the submitted landscaping scheme requires revisions these can be secured by condition. Further clarification is required in terms of access for commercial vehicles, parking and cycle storage, officers believe these issues can be resolved, in compliance with national and local policy. Conditions are also required to ensure there is no adverse impact to residential amenity by reason of noise and odour.

Recommendation:

Conditional approval subject to clarification regarding access and parking/cycle provision and revised plans where necessary following such clarification. Final drafting of conditions to be delegated to the Executive Head of Business Services.

Statutory Determination Period:

13 weeks. An extension of time was agreed to allow further consideration of the application.

Site Details:

Outline consent was granted in April 2013 for approximately 37,000 square metres of employment space, 350 new homes and a local centre under reference P/2011/0197 and subsequent reserved matters application were approved under applications references P/2013/1009 for industrial buildings, P/2013/129 and P/2014/0071 for dwelling houses and P/2016/0188 for a sports pavilion and associated pitches. The application site relates to the eastern bowl of the wider White Rock site which is largely grassed scrubland. The specific part of the wider White Rock site subject of this application was previously occupied by a number of light industrial units, an office and Sure Start centre, the site has now been cleared. Part of the wider site is under construction under the approved reserved matters scheme P/203/1229 with a number of dwelling houses complete and occupied.

The application site is noted as a committed and other deliverable development site under policy SPD3.5 of the Torbay Local Plan for both housing and employment uses. The application site is also identified as a Proposed Local Shopping Centre under policy TC2.3.19 of the Torbay Local Plan and is located to the west of the Brixham Road, part of the Torbay Major Road Network. The site is bounded by White Rock Way to the south and existing hotel and restaurant developments to the north. Beyond White Rock Way to the south of the site is

existing residential development approved under reference P/2013/1229 and proposed residential development under reference P/2014/0071.

Detailed Proposals:

The application is a reserved matters application submitted pursuant to outline application reference P/2011/0197 which sought outline consent for 37,000 square metres of employment space, 350 new homes and a local centre. The application seeks approval for the appearance, layout, scale and landscaping for 1,652sqm (gross) food retail store, 50 bed student accommodation and associated parking, landscaping and access from White Rock Way and Waddeton Road.

The proposed building is three storeys to Brixham Road and three storeys stepping down to two storeys along White Rock Way. The proposed building is located along White Rock Way, between the eastern end of the building and Brixham Road is an area of public open space. To the north of the building are 116 parking spaces (8 of which are allocated for disabled people). Cycle parking is proposed to serve the retail and student accommodation use, the plans indicate that 10 cycle loops are proposed. Materials include vertical timber cladding, blue engineering brick, white rendered walls, aluminium framed windows and shopfronts, light brick with weathered appearance, PPC finished grey doors, grey metal cladding, slatted timber screens, brushed stainless steel bollards and cycle hoops, black metal railings and PPC dark grey canopy and cappings. Roads and car parking areas are proposed to be asphalt and the entrance area to the retail units is proposed to be concrete block. Landscaping is proposed throughout the site.

Summary of Consultation Responses:

South West Water: No objections

Natural England: No objection in relation to statutory nature conservation sites. Reference to standing advice in relation to protected species.

Senior Environmental Health Officer: No objection but a condition is recommended to ensure there is no detriment to neighbouring residential amenity as a result of plant and equipment within the retail unit. Condition recommended in relation to noise and odour and deliveries being between 0700 and 2300 Monday to Friday.

Arboricultural Officer: The proposed development involves the removal of 14 trees and 1 hedgerow with replacement landscaping of 12 trees and 1 hedgerow, a net loss of 2 trees. The development should include a clear net gain in the number of trees present on site given the location of the site. The supporting soft landscaping plan contains insufficient detail of proposed planting specification and indicative tree species and numbers are not considered compatible with integrating the scheme with the landscape character and species predominance of the neighbouring AONB and countryside.

Comments on the revised plans:

The continued absence of the updated tree survey prevents an understanding on the constraints posed by the mature hedgerow which comprises a mature linear tree group, aligning with a field boundary shown in early edition OS maps. This has potential to be negatively affected by the build if approved without supporting tree protection plans and method statements. The landscape plan requires greater detail of landscape management proposals such as tree pit design, watering, staking, replacement of losses, tree nursery stock type, and specification of soil etc. The 2 tree species selected are of limited size and of only local visual prominence with short useful life expectancies. This may be exacerbated by species being prone to diseases known to be present in the local tree populations both private and publically owned. The use of trees of larger final canopy sized trees planted as minimum 20-25cm semi mature standards for quicker effect and resistance to vandalism is strongly recommended. The scheme is suitable for approval on arboricultural merit however tree survey effort as described is necessary and revision to landscape detail which should be supported by a landscape management plan.

Environment Agency: The submission makes no reference to how surface water runoff will be managed. Further information relating to how the management of surface water runoff from this plot will dovetail into any previously agreed strategy as at outline stage.

Comments on revised details:

The site lies within Flood Zone 1 and therefore standing advice applies and the Lead Local Flood Authority should be consulted.

Green Infrastructure Coordinator: No ecological information has been submitted to support the application. Further information required.

Police Designing Out Crime Officer: Disappointing that there is no reference to designing out crime or crime prevention in the Design and Access Statement, therefore it is not possible to confirm how these issues have been considered. It is recommended that the store is constructed to achieve full Secured by Design compliance to ensure a consistent level of security throughout and opportunities for crime, the fear of crime, ASB and conflict are minimised.

Car parking areas appear to benefit from good natural surveillance from adjacent roads, paths and nearby dwellings but advise care is taken with planting to avoid impeding CCTV and creating short cuts. Vehicular access should be prevented to car parking areas when store is closed or car parking areas should be broken up with planters and landscaping to deter speeding and anti-social driving. Bollards should be of a standard to prevent ram raiding. Design of features and smooth surfaces should deter skateboarding etc. Care should be taken with open access as this can attract loitering and ASB problems. CCTV should form part of an overall security plan. Blank elevations should be covered by CCTV. Shopping trolleys

should be secure where store is closed. Lighting should be appropriately designed.

Comments on the revised scheme: No further comments on the retail store aspect of the proposal. Student accommodation can be vulnerable to criminal incidents. The main entrance door to the student accommodation should be designed to acceptable security standard with access control and visitor door entry system. The door should be self closing and locking. The shared access doors must be self locking and closing but with a thumb turn lock inside for emergencies. Bedrooms must have secure door and locking system. CCTV should be considered for communal areas. Features should be designed to prevent climbing. Bicycle storage should be secure. External areas should be designed to prevent nuisance to neighbouring properties. Parking areas should be separate for the retail and student accommodation uses. Recommend parking layout is revised.

Drainage Engineer: No objection providing a condition is imposed to require the applicant to submit a detailed surface water drainage design including drainage design and hydraulic modelling data for approval prior to the commencement of the development.

Senior Strategy and Project Officer: No objections to proposed access which reflects the access proposed at outline stage. There is a slight overprovision of parking spaces but this is within an acceptable range. Additional disabled spaces are required, consideration should also be given to parent and child spaces and the provision of electrical charging bays. Cycle parking should be provided for staff and shoppers. Cycle parking should be secure and covered and located on the forecourt.

Comments on revised scheme: Comments request clarification on the number of parking spaces and which uses they are allocated to. 1 space per 14sqm is required for the retail unit and electrical charging points, cycle parking and storage should be provided in accordance with Appendix F. Student accommodation will require 1 space per 5 bed spaces (10 spaces) with one additional space for any resident warden/staff. This should include a proportion of disabled parking and one covered cycle parking/storage per unit plus visitor capacity. Confirmation requested regarding whether the road is to remain private. Confirmation requested regarding how the southern access from White Rock Way will function and whether this will be limited to service uses only. Passing places are required to prevent cars needing to reverse on to White Rock Way

Comments on revised layout plan: The access point proposed is within 15m of another junction. The layout indicates that the access will not be able to provide a safe access for articulated lorries and deliveries, necessitating reversing at the junction with the proposed car park and over-running the pavement as currently indicated on the tracking diagram. The access road from White Rock Way will only be acceptable in restricted to commercial and service delivery vehicles only. This

road would **not** be adopted as Public Highway unless it is intended to serve a number of residential properties. If further residential development is proposed in the future further layout amendments will be required. The access ramp should not exceed the gradient set out in the Highways Design Guide. Conditions may be able to resolve these issues. Comments regarding the level of disabled/access spaces and parent with child spaces have been made. Additional and revised cycle storage is required. Electrical charging points do not meet the required standard. Clarification required regarding the allocation of spaces. A travel plan is required.

Waste Client Manager: Confirmation requested as to whether the development constitutes a domestic or charged collection.

Urban Design Consultant: Various concerns raised regarding the design of the scheme. Several revisions have been submitted to respond to these concerns. Below is a summary of the latest comments.

The scale, massing and general composition of the development is satisfactorily resolved and is a good response to its setting. The mixed use development has a strong presence at the 'gateway' to the new local centre and has characteristics and follows the design principles originally agreed at outline stage. The modest public space and tree planting at the corner of the site is a good response as an alternative to developing this part of the site with built form. The inclusion of the student accommodation will add the desired vitality and intensity of use that will help the local centre to be a safe and attractive 'hub' of the new neighbourhood.

The external appearance, materials and detailing are acceptable in principle. Large scale details and materials should be sought by condition. This should include the 'blind' windows at ground floor level on the southern elevation. Details of signage should be secured by a pre-commencement condition.

Full details of soft and hard landscaping design should be secured by condition. Tree pit detailing should be included in this condition.

Summary Of Representations:

6 public representations (4 objections, 2 support) have been received. Issues raised:

- o No need for another retail store*
- o Student accommodation not appropriate for a residential area*
- o Three storey building will look out of place in a residential area and will overlook houses opposite*
- o The restaurant use has been omitted from the plans and needs to be included*
- o Car park layout will encourage anti-social behaviour and crime*
- o Retail store too big for area*
- o Overdevelopment of retail in the area*

- o *Development would result in an increase in traffic*
- o *Impact on residential amenity*
- o *Support development as it will create jobs and remove an eyesore*
- o *Retail store will be convenient for those who do not have a car*
- o *Support the proposal and it will bring extra choice, more jobs and will bring extra money into the area*

Relevant Planning History:

P/2011/0197 Mixed Use Development of 39 Hectares of land at White Rock, Paignton to construct up to 350 dwellings, approximately 36,800m² gross employment floorspace, a local centre including food retail (up to 1652m² gross) with additional 392m² A1/A3 use and student accommodation, approximately 15 hectares of open space, sports pavilion and associated infrastructure and engineering works to provide access, drainage and landscaping (Outline Application) APPROVED 29.04.2013

P/2013/1009 Reserved matters application for P/2011/0197 including appearance, landscaping, layout and scale of 2 industrial units, enabling work for new road, demolition of unit 31, relocation of 10 parking spaces for unit 33-34 APPROVED 16.10.2013

P/2013/1229 Approval of reserved matters to P/2011/0197. Appearance, landscaping, layout and scale in relation to 310 dwellings and associated development APPROVED

P/2014/0071 Approval of appearance, landscaping, layout and scale in relation to 38 dwellings and associated development. Reserved Matters for P/2011/0197 APPROVED

P/2015/0918 Appearance, landscaping, layout and scale in relation to 310 dwellings and associated development (Variation of condition P1 of P/2013/1229 - MMA to units 37, 94 and 237 to allow wheelchair access) APPROVED

P/2015/1061 Approval of appearance, landscaping, layout and scale in relation to 38 dwellings and associated development. Reserved Matters for P/2011/0197 WITHDRAWN 18.05.2017

P/2015/1229 Approval of appearance, landscaping, layout and scale in relation to 217 dwellings and associated development - EIA NOT REQUIRED

P/2015/1126 Approval of appearance, landscaping, layout and scale in relation to 216 dwellings and associated development REFUSED 13.04.2016

P/2016/0094 Erection of 42 dwellings and associated infrastructure REFUSED 24.08.2016

P/2016/0188 Approval of appearance, landscaping, layout and scale in relation to a sports pavilion and associated development including a sports playing pitch, multi-use games area and car park APPROVED 11.04.2017

P/2016/0842 EIA Screening in relation to one industrial unit of 6,000 sqm floorspace - EIA NOT REQUIRED

P/2016/0880 6000sqm Industrial building (Use Class B2) parking, access and landscaping APPROVED 03.03.2017

Key Issues/Material Considerations:

The key issues to consider are the principle of development, appearance, impact on the landscape and biodiversity, landscaping, drainage, access, parking and residential amenity.

Principle:

The site is identified within the Torbay Local Plan (SDP3.5) as a committed strategic mixed use employment/housing development that will provide 8.5ha of employment land, local centre, around 1,200 jobs and around 350 dwellings largely over the first half of the Plan period.

As this is a reserved matters application pursuant to an approved outline application, the previous planning history on this site remains a material consideration. Outline consent has been granted for the mixed use development of the site. This application was approved following extensive consultation. It was subject to Habitat Regulation Assessment and was accompanied by a detailed Environmental Statement. The principle of development in this location was established by this application and the general position of the proposal is in accordance with the indicative layout agreed at outline stage being within the Eastern Bowl which was highlighted for mixed use development and more specifically the local centre including food retail and student accommodation uses. The design and access statement submitted with outline application reference P/2011/0197 specifically stated that the local centre was to incorporate a local convenience food store, restaurants and/or small complimentary retail or services uses, offices above the ground floor level, residential apartments and student study bedrooms. A public open space was also to be incorporated with the local centre.

Policy TC1 of the Torbay Local Plan supports new or enhanced district, local and neighbourhood centres that complement town centre facilities, provide a range of goods and services that meet the day to day needs of local communities, including the provision of healthcare facilities, local skills training facilities, local employment and local food outlets. Similarly Policy TC2 of the Torbay Local Plan supports retail development in local centres where it is appropriate to the role, function and scale of those centres. Supporting paragraph 6.1.1.8 states that local centres provide a range of small scale retail and other related services capable of meeting local needs, top-up shopping, and act as the focus for the local community such as post

offices, newsagents, pharmacies and groceries. It notes that the provision of new local centres may be required to meet demand arising from major new residential developments, including White Rock. Policy TC3 of the Torbay Local Plan goes on to state that new retail development in local centres will be supported when the scale of the development is appropriate to the nature and size of the centre and will complement its role and character and it provides for and sustains a range of services and facilities which contribute to the long-term vitality and viability of the centre and the ability of people to meet their needs locally.

There are no policies within the Local Plan which relate directly to student accommodation. The student accommodation proposal would be sui generis use and would not strictly be considered as a house in multiple occupation however the tests of policy H4 would remain relevant to the proposals. Policy H4 of the Torbay Local Plan states that houses in multiple occupation will only be supported where the property is in easy reach of public transport and community facilities, can provide an acceptable standard of residential accommodation, the scale and nature would not harm residential amenity, the proposal would not lead to an over concentration of similar uses, the proposal would not adversely affect the character of the area, adequate storage facilities can be provided and there is supervision by a resident owner or manager, or an appropriate alternative level of supervision.

The scale and nature of the development reflects the principles agreed at outline stage. The proposals are located within a proposed local centre as designated by the Torbay Local Plan and its impact on the vitality of the town centre was considered at outline stage. The proposals are in close proximity to public transport opportunities and being within a proposed local centre will be close of community facilities such as retail, education and restaurant uses. The number of student bedrooms and its impacts on the local area would be a consideration at outline stage and the proposals reflect the agreed principles. Criteria relating to the quality of the residential environment and impact on residential amenity are considered further in later paragraphs. Consequently, the principle of the proposed development is acceptable following the principles of the outline consent and compliant with the Torbay Local Plan 2012-2030.

Appearance, Scale and Layout:

Paragraph 17 of the National Planning Policy Framework states that one of the core land-use planning principles that should underpin decision taking is to always seek to secure high quality design. In addition paragraph 64 states that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions". Consistent with these paragraphs, Policy DE1 states that proposals will be assessed against their ability to meet design considerations such as whether they adopt high quality architectural detail with a distinctive and sensitive palette of materials, whether they protect local and longer distance views and the impact on the skyline especially from public vantage points, having regard to the location and prominence of the site and whether they positively enhance the

built environment.

The design and access statement submitted with outline application reference P/2011/0197 stated that the Brixham Road corridor is poorly defined for much of its length and that previous developments have not addressed the importance of this corridor and have, for much of its length, avoided any positive frontage on to this route. The outline application aimed to create a positive principal frontage to the Brixham Road with a scale of development (3-4 storeys) that helps to define the corridor. The retail uses were located along this active frontage so that they are easily accessible from the surrounding area and therefore improve these facilities.

The reserved matters proposal reflects the principles set out at outline stage being located on the junction of Brixham Road and Whiterock Way. The building presents largely three storey frontages on to Brixham Road and Whiterock Way which are identified as principal frontages, the building presents active frontages on to these two principal roads. The material choices and architectural details help to break up the mass of the overall building. The material choices appear to be of good quality and this can be secured through the imposition of conditions requiring the submission of materials and large scale details for approval. In line with the comments from the Urban Design Consultant, these large scale details must include the 'blind windows' at ground floor level on the south elevation. The proposals are considered to comply with Policy DE1 of the Torbay Local Plan 2012-2030.

Impact on the wider landscape and biodiversity:

As part of the outline application, off-site landscape mitigation and enhancement works (Landscape and Ecological Management Plan secured by S106) includes significant belts of woodland planting on land to the south of the White Rock site. This planting will provide a strong landscape buffer between the development and undeveloped countryside to the south. The proposed development is separated from the wider countryside by the residential development approved under references P/2014/0071 and P/2013/1229. In light of the structural planting proposed to the south which will act to contain the site once established, the proposals are not considered to result in significantly greater impact in views from the AONB to the south or views from the South Hams.

*In terms of on-site landscaping there are **12** trees proposed within the proposed layout. Policy C4 of the Torbay Local Plan states that proposals for new trees will be a specific requirement of proposals in Strategic Delivery Areas and Policy DE1 states that proposals will be assessed against their ability to meet certain design considerations, with one identified as being the provision of high quality soft landscaping.*

In line with comments from the Arboricultural Officer, the submitted landscaping scheme lacks detail and further information is required, particularly in terms of tree

pit design, watering, staking, replacement of losses, tree nursery stock type and specification of soil etc. In addition it is considered the 2 tree species selected are limited in size, will only be of local visual prominence, suffer from short life expectancy and prone to disease. The Arboricultural Officer has recommended the use of larger canopy trees planted as 20-25cm semi mature standards as a minimum to ensure quicker establishment and visual effect together with being more resistant to vandalism. These details can be secured by condition.

The Arboricultural Officer has raised concern regarding the absence of an updated tree survey since the scheme approved at outline stage. At outline stage a tree retention and removal proposal was submitted with the application. A condition of outline consent also required that prior to the commencement of each phase of the development, a full tree protection plan and method statements detailing tree protection be submitted. This tree protection plan is required to detail how existing trees and hedges on site will be protected during the course of the development. This condition would continue to apply to the reserved matters proposals. Whilst additional information by way of an updated tree survey has been requested, as this matter relates to issues dealt with at outline stage it would not be reasonable to request this information during the course of this reserved matters application. Subject the imposition of a landscaping condition and for matters of clarity, a tree protection and method statement condition, the proposed landscaping is considered acceptable and consistent with local plan Policies DE1 and C4.

The proposed development site falls within a greater horseshoe bat sustenance zone associated with the SAC roost at Berry Head. Sustenance zones are key feeding and foraging areas for greater horseshoe bats associated with the South Hams SAC. The permanent loss of existing or potential habitat within the sustenance zone and in proximity to the Berry Head roost has the scope to adversely affect the favourable conservation status of the Berry Head maternity colony. It is recognised that the development needs to be screened in terms of the Habitat Regulations Assessment, which has to be carried out prior to the decision being issued. The comments from Natural England are however noted; Natural England have advised that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Comments from the Council's Green Infrastructure Co-ordinator are noted. The Green Infrastructure Co-ordinator has recommended that habitat surveys be submitted to support the application. As this matter relates to issues dealt with at outline stage it would not be reasonable to request this information during the course of this reserved matters application as the proposals continue to be consistent with principles agreed at outline stage. It is therefore considered that the proposal remains compliant with policies SS8 and NC1 of the Torbay Local Plan.

Residential Amenity:

The proposals are to be sited to the north of the approved residential development

(P/2013/1229 and P/2014/0071). The position of the proposals in relation to the residential development reflects that shown within the indicative layout shown at outline stage. Paragraph 17 of the National Planning Policy Framework states that one of the core land-use planning principles that should underpin decision taking is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DE3 of the Torbay Local Plan 2012-2030 states that developments should be designed to not unduly impact upon the amenity of neighbouring and surrounding uses, with one of the criteria for assessment being the impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution. The proposed building is positioned some distance from residential dwellings and is separated by White Rock Way. The proposals are not considered to result in any serious detriment to residential amenity by reason of loss of light, loss of privacy or by reason of being unduly dominant or overbearing due to the separating distances involved which are a minimum of approximately 22m.

In terms of noise, both the retail unit and student accommodation have the potential to impact upon residential amenity. In line with comments from the Environmental Health Officer, conditions are recommended requiring details of any proposed extraction and ventilation to serve the retail unit. As this is a reserved matters application and the principle of the development was accepted at outline stage it is not reasonable to request these details at this stage. The student accommodation has potential to impact upon residential amenity by reason of noise particularly through the inclusion of the first floor terrace areas if not managed correctly. Whilst not strictly a house in multiple occupation, policy H4 of the Local Plan remains a relevant consideration. Criteria 7 of this policy requires supervision by a resident owner or manager or an appropriate alternative level of supervision such as resident wardens. This is recommended to be included as a condition. This condition will include a requirement to submit a management plan detailing how the property will be managed including details of managing complaints and addressing issues should they arise.

Drainage

Surface water drainage methods were agreed at outline application stage. However the Council's Drainage Engineer has confirmed that the proposals reflect those agreed at outline stage subject to the imposition of a condition requiring detailed design and hydraulic modelling to be submitted and approved by the Local Planning Authority prior to commencement of the development.

Access and Parking:

The amount of retail floor space and the number of student bedrooms reflects the scale of development approved at outline stage. The access to the site largely reflects that agreed at outline stage with two points of access from Waddeton Road and White Rock Way. A new section of road is already in situ, enhancing Waddeton Road and including a roundabout with access in to the development site. The impact on traffic generation was considered as part of the outline

application and the proposals continue to reflect the principles set out at outline stage and therefore do not require reconsideration as part of the reserved matters application. The Council's Strategy and Project Officer has requested confirmation regarding whether the road is to remain private and how the southern access from White Rock Way will function including whether this will be limited to service uses only. Further requests have been made requiring passing places on the access from White Rock Way, the submission of a swept path analysis and clarification regarding distances between the service roads.

In response to this request, the applicants have submitted a revised layout plan. Whilst this responds to some of the queries raised on highways grounds, some remain unanswered. Of particular concern is the position of the access point on to White Rock Way and safe access for articulated lorries and deliveries. The Officer has stated that this layout will only be acceptable if the access is restricted to 'Commercial/Service Delivery Vehicle Only' and not open to all traffic. Alternatively the road layout could be amended. This will be discussed further with the applicants and the Member's will be updated at the Committee meeting. Access restrictions on this access could be dealt with by a condition requiring details of how the access will be managed to ensure it is only used by commercial and service delivery vehicles.

*The application shows parking for 104 cars, including 8 disabled parking spaces to serve the **retail and student accommodation** development. The Local Plan states that, within local centres, a minimum requirement will be negotiated taking into account the impact of the use and existing parking provision. There are no existing public parking spaces within the immediate vicinity, and on street parking locally is already under pressure within the nearby housing estates. The Council's Strategy and Project Officer has stated that within this context, the out of centre parking requirement is relevant. This would require a parking provision of 118 spaces for use by the retail unit. In addition the Officer has stated that 1 space per 5 student bedrooms plus 1 additional space for any resident warden should be provided. This would require a total of 129 parking spaces. This would suggest that the proposed scheme has a shortfall of 25 spaces. Whilst the comments from the Council's Strategy and Project Officer are noted, the location of the site within a designated local centre must be recognised and therefore there is scope for a reduction in parking provision below that stated within requirements for out of centre retail proposals. In light of the location of the site within a designated local centre, the current level of parking provision is considered appropriate subject to further information regarding the allocation of spaces.*

Within the application site there are a total of 116 spaces. 90 of these spaces are allocated to the retail use (6 of these for disabled persons) and 14 of these spaces are allocated to the student accommodation use (2 of which are for disabled persons and 2 of which are for staff). The 12 remaining spaces are to serve the EPIC Innovation Centre in a subsequent application. The plans however do not detail how the spaces will be distributed throughout the site or how they will be

managed between the two uses. A condition is recommended requiring the submission of a plan which details the distribution of spaces and details of how these will be managed. The number of disabled spaces is below the recommended 10% noted within appendix F of the Torbay Local Plan. Parent with child spaces have not been included within the layout. The applicant has been asked to give this issue further consideration and the Members will be updated at the Committee meeting. A travel plan for the development is recommended by condition.

In terms of cycle provision, the proposed plans indicate that 10 cycle loops (5 for each of the two uses proposed) are proposed. This would be below the recommended standards as set out in appendix F of the Local Plan. Whilst student accommodation uses are not referred to specifically within the appendix F guidance, it would be appropriate to apply the guidelines attached to houses in multiple occupation. This would suggest that 50 cycle spaces are required. Cycle storage provision to serve the student accommodation will need to be secure and covered. Cycle storage to serve the retail park for both visitors and staff will also be required. Cycle loops are considered appropriate to serve visitors to the store however cycle storage for staff will be required to be secure and covered to ensure its use. As this level of cycle storage would need to be appropriately design into the scheme, revised plans are requested. Electrical charging points are required for 10% of parking spaces and these will be secured by condition. These points have been raised with the applicant and comments on these requirements are expected. The Members will be updated at the Committee meeting.

Conclusions

The provision of a retail store and student accommodation within the site has been established by the earlier outline application for the wider Whiterock site. This application established the principle of development and the continued provision of these uses in this location continues to be supported by current Local Plan policies. Consequently the principle of these uses on this site remains acceptable. The form and design of the building is considered acceptable subject to the inclusion of conditions. Whilst the submitted landscaping scheme requires revisions these can be secured by condition. Whilst further clarification is required in terms of access of commercial vehicles, parking and cycle storage, officers believe these issues can be resolved, in compliance with national and local policy. Further information and revised plans are required in order to demonstrate that such issues can be successfully resolved. Conditions are also required to ensure there is no adverse impact to residential amenity by reason of noise and odour.

Conditions:

- 1. Landscaping*
- 2. Details of plant*
- 3. Parking provision*
- 4. Cycle storage provision*
- 5. Electrical charging*

6. *Waste storage provision*
7. *Materials*
8. *Large scale details*
9. *Provision of resident manager or similar*
10. *Management plan for student accommodation*
11. *Travel plan*
12. *Lighting*
13. *Drainage*
14. *Restricted access from White Rock Way commercial/service vehicles only*
15. *Submission of plan detailing allocation of parking spaces and how parking will be managed.*

Relevant Policies

SDP1 - Paignton
TC2 - Torbay retail hierarchy
TC3 - Retail Development
SDP3 - Paignton North and Western area
DE1 - Design
DE3 - Development Amenity
ER1 - Flood Risk
ER2 - Water Management
TA1 - Transport and accessibility
TA2 - Development access
TA3 - Parking requirements
SS8 - Natural Environment
C4 - Trees, hedgerows and natural landscape
NC1LFS - Biodiversity and Geodiversity_
H7 - Houses in multiple occupation (HMOs)
SC3 - Education, skills and local labour