

**Application Number**

P/2018/0231

**Site Address**

Villa Coolins  
Ilsham Marine Drive  
Torquay  
TQ1 2HT

**Case Officer**

Verity Clark

**Ward**

Wellswood

**Description**

Demolition of dwelling; formation of two semi-detached dwellings and new access.

**Executive Summary/Key Outcomes**

The application site is a detached dwelling that is accessed from Thatcher Avenue, Torquay. The proposal seeks to demolish the existing property and subdivide the plot to form two dwellings with an associated new access and driveway.

The principle of new residential development is accepted and the proposal is considered to be of a suitable size, scale, massing and visual appearance for the plot within the context of the streetscene and surrounding locality. The proposal will provide an acceptable standard of residential accommodation for both proposed dwellings and is not considered to impact on neighbour amenity, subject to the use of planning conditions. The proposal is considered to be acceptable in terms of highways impact, whilst issues surrounding drainage, trees and ecology can be agreed by way of planning conditions.

The application has been referred to Development Management Committee due to the number of objections that have been received.

**Recommendation**

Conditional approval subject the final drafting of conditions to be delegated to Executive Head of Assets and Business Services.

**Statutory Determination Period**

8 weeks. The determination date was the 9th May, 2017. The application has exceeded this date to allow the agent to provide revised plans and information in line with officer comments.

## **Site Details**

The site, Villa Coolins, Ilsham Marine Drive, Torquay, is a detached residential property located on the eastern side of Thatcher Avenue, north of the junction with Ilsham Marine Drive. The site slopes down towards the western and southern edges of the site and is bounded by two boundary walls and vegetation. The site sits within an undesignated area of Torquay, but is located within 250m of the Hope's Nose to Walls Hill Site of Special Scientific Interest.

## **Detailed Proposals**

The proposal seeks to demolish the existing dwelling and sub-divide the plot to form two detached, 4 bedroom dwellings. Plot 1 would have up to four storeys, and Plot 2 up to three storeys, reflecting the ground levels in each case. Plot 1 would be served by the existing driveway access whilst Plot 2 would be served by a new driveway with access from Thatcher Avenue.

## **Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

### Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")

### Material Considerations

- Emerging Torquay Neighbourhood Plan
- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report:

## **Summary Of Consultation Responses**

Highways: Highways would only accept a maximum gradient of 1 in 8 on the driveway before entering or exiting the public Highway. Please inform Building Control if any retaining walls are to be constructed over 1m high adjacent to the Highway. To prevent run off water entering the Highway, a drain or dished channel to a soakaway before entering the Highway would be required. If an Application is granted, a vehicle crossover would be required under licence of the Highway Authority, constructed by a contractor with the correct accreditation. Loose gravel must not be taken on to the Highway.

Arboricultural Officer: Revised arboricultural information is suitable for a recommendation of approval subject to the addition of conditions.

Ecology: We suggest that there is no reason for refusal of this planning application on ecological grounds providing the proposals are implemented using the Conservation Action Plan within Appendix 7 of the Ecological Survey Report. We would recommend that these measures be secured via appropriately worded planning conditions when this application is determined.

### **Summary Of Representations**

Publication type: Neighbour notification letters/Site notice

28 objections have been received. Issues raised:

- Trees
- Environmental impacts
- Wildlife
- Overdevelopment
- Impact on views
- Construction impacts
- Property values
- Impact on area
- Impact on economy
- Privacy and overlooking
- Impact on housing stock
- Overbearing
- Size and scale
- Design
- Height
- Impact on streetscene and character
- Address location
- Description of proposal
- Drainage
- Light
- Precedent
- Traffic and access
- Highways safety
- Contrary to neighbourhood plan
- Land stability
- Ecology and tree reports out of date

### **Relevant Planning History**

P/2017/0136 Demolition of dwelling; formation of two semi-detached dwellings. Application withdrawn.

P/2011/1165 Extend time limit - demolition of dwelling; formation of 2 dwellings with vehicular/pedestrian access- application P/2008/1605/PA. Approved 08/05/12

P/2008/1605 Demolition of dwelling; formation of 2 dwellings with vehicular/pedestrian access (Amended by plans received 04/03/09). Approved 24/02/09

P/1999/1962 Erection Of Dwelling With Integral Garage, And New Vehicular Access And Driveway (As Revised By Plans Received 2.5.00, And Eltters Dated 13.4.00 And 27/4/00). Approved 09/05/00

P/1998/0972 Erection Of Dwelling (In Outline). Refused 28/07/98

P/1997/1305 Erection Of Dwelling (In Outline). Refused 09/12/97

P/1990/1817 New Roof And Provision Of Dormer Window (As Revised By Plans Dated 31st October 1990). Approved 27/11/90

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

The key issues to consider in relation to this application are:

1. Principle of development
2. Impact on the character and appearance of the streetscene
3. Impact upon the amenity of neighbouring properties
4. Quality of residential accommodation
5. Drainage
6. Transport Issues
7. Trees and Ecology

#### **1. Principle of development**

Policy H1 of the Torbay Local Plan states that proposals for new homes within Strategic Delivery Areas, and elsewhere within the built-up area, will be supported subject to consistency with other policies in the Local Plan. It is noted that the Council is currently falling short of its 5-year housing land supply and that the proposal would make a contribution to this shortfall being addressed.

The site is located within an established residential area and is considered to be a sustainable location for such development being in relatively close proximity to services and public transport routes. The proposal is considered to be acceptable in principle.

#### **2. Impact on the character and appearance of the streetscene**

Paragraph 124 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 130 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'. Policy DE1 Design of

the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space.

Planning permission was granted in 2009 under P/2008/1605 for two replacement dwellings which was subsequently renewed in 2011. This detailed a scheme with a significant level of excavation which presented two semi-detached dwellings which, although large, appeared proportionate in size whilst appearing as two distinct properties with a distinctive stepped design. A further application was submitted in 2017 which did not seek the same level of excavation and employed the use of a number of retaining wall structures. The height of the dwellings, although stepped gave the impression of a sprawling building which appeared more as a large block than two distinct semi-detached properties. The garage structures proposed also considerably added to the bulk of the buildings as did the lower level wings to the main blocks. The use of the retaining walls appeared overly dominant and added further hard edges to the site, again increasing the perceived bulk. The proposed height of the building also exceeded the height of the original dwelling and significantly exceeded the previous approval. This application was subsequently withdrawn. The current application follows on from this and attempts to address the concerns raised with the preceding scheme.

The proposal seeks to significantly excavate the site, similar to what was approved in 2009 and 2011 and form a new access from Thatcher Avenue. The plot will be subdivided after the demolition of the existing dwelling and two detached dwellings will be formed.

There is a somewhat mixed local character and pattern of development within the locality, although it is generally characterised by detached and semi-detached houses within spacious plots. A survey demonstrates that this area primarily consists of dwellings set within large plots with a characteristic solid to void ratio which allows for a large level of outside space around the dwellings, creating a spacious, landscape-dominant appearance. There are however numerous examples in the area where plots have been subdivided to form two dwellings and the character of the properties in the area varies from more traditional pitched roofs to more modern 'marine style' architecture.

The proposed dwellings are considered to appear suitably spaced within the plots with a gap of approximately 2.8m between the plots and approximately 11m from Plot 1's closest point to the street. When considering this within the context of the streetscene the adjacent property 'Sunward House' sits in closer proximity to the streetscene than the existing dwelling as does 'Thatcher Point'. Plot 1, which will sit closest to the streetscene, is considered to roughly follow the building line of the existing properties, whilst maintaining a primarily vegetated gap from the road. The relationship of the proposed siting of the new dwellings with the streetscene is therefore considered to be acceptable.

In terms of the footprint of the dwellings within the plot the proposal will result in additional built form within the plot, however an adequate area of outside space is

retained for both plots in line with other dwellings in the locality. The overall footprint is therefore considered to be consistent with the urban grain of the area and without detriment to the character and appearance of the locality.

The general scale of development is considered commensurate with the locality when considering the mix of dwellings in the area. Within close proximity are examples of two and three storey dwellings. It is considered that there is scope for three-four storey dwellings within this area, considering local ground levels and providing the size, scale and massing is carefully considered. As the site is steeply sloping and the typography of the area results in the site being visible from a number of vantage points it is considered important that the height of the proposed dwellings does not significantly exceed the dwelling in situ. This is to ensure a clear stepped appearance is retained with the properties north of the site remaining of greater height. The proposed scheme utilises excavation to maintain the ridge height of the existing dwelling. The overall height of the proposed development is therefore considered to be acceptable and without detriment to the character and appearance of the area. The design and visual appearance of the proposed dwellings appears somewhat similar to the proposal approved in 2009 and 2011. The footprint of the proposed dwellings will be larger however it is considered acceptable due to the plot size, and as an adequate level of space will be provided around both dwellings.

In terms of design and massing Plot 1 will appear as a three storey dwelling with undercroft parking area when viewed from the streetscene of Thatcher Avenue with Plot 2 siting behind and appearing more as a two-three storey dwelling. In considering the design regard must be given to the surrounding streetscene. Marine House located on the opposite side of Thatcher Avenue presents a similar visual appearance with its three stories and similar massing and design. It is considered that the proposed dwellings would have a similar visual appearance although the setback location within the plot would limit the dominance and potential overbearing impact on the streetscene in comparison to Marine House. The flat roof design and modernist form to the elevations, which features clean render, areas of cladding and large expanses of glazing, is aligned with the regeneration genre that is becoming favoured in the area and noticeable in pockets throughout Whidborne Avenue, Thatcher Avenue and Ilsham Marine Drive. The design of Plot 1 also includes areas of balustrading on the South elevation which helps to create more of a stepped and less dominant appearance when viewed from Thatcher Avenue. The design has also been modified during the course of the application to limit the large render dividing walls. Obscure glazed screens are now proposed to provide privacy between the units and help to appear more lightweight in nature. The design and massing is therefore considered to be acceptable.

As a result the size, scale, massing and visual appearance is considered to be acceptable and without detriment to the character and appearance of the locality or streetscene in accordance with the NPPF and Local Plan Policy DE1 of the

Torbay Local Plan 2012-2030.

### 3. Quality of residential accommodation

Policy DE3 of the Torbay Local Plan 2012 - 2030 which relates to development amenity requires that new residential units provide adequate floor space in order to achieve a pleasant and healthy environment. Provision of useable amenity space, including gardens and outdoor amenity area should be provided with a guidance of 55m<sup>2</sup> for new houses. Internal floor standards are set out from the DCLG technical housing standards document. This states the minimum internal floor space which should be provided and gives guidance on the minimum floor area. The minimum internal floor spaces set out by this guidance and reflected in Policy DE3 shows that a minimum floor space of 103m<sup>2</sup> is required for a 4 bedroom dwelling. The proposed floor areas and outside amenity space is above these standards and it is therefore considered that an adequate standard of accommodation for the proposed dwellings are provided.

### 4. Amenity impact

Policy DE3 of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity.

In terms of impact on the neighbouring properties, the proposal is considered to have an acceptable impact. The north elevation of Plot 1 will sit adjacent to 'Sunward House'. Site sections B-B demonstrate that due to the topography of the land which slopes up to the north, the northern elevation of this dwelling would be set at a level which will not allow for views into the neighbouring property by windows at first floor level. Plot 2 would include a window in the northern elevation at first floor level however due to the separation distances from Plot 1 and 22 Thatcher Avenue and as the levels slope up to the north, it is considered that an acceptable relationship is retained. Thatcher Point to the south is set into the ground resulting in minimal windows in the northern elevation and with the majority of the outside amenity space set to the front and side of the property. The relationship between the proposed dwellings and this property is considered to be acceptable and without detriment to amenity or privacy particularly when considering the existing visibility of this property from the streetscene and the number of windows present on the southern elevation of the existing dwelling.

In respect of the impact to 'Sunset' and 'Sunrise' to the east of the site, Plot 1 is not considered to impact on the amenity of these properties due to the separation distance and due to the siting of Plot 2. Section plan A-A demonstrates that the lower ground floor and ground-floor level windows on the eastern side elevation will not impact on these properties due to site levels and existing boundary screening. The proposal includes a window serving a bathroom at first floor level on the side elevation. It is considered necessary to add a condition requiring that this side window is obscure glazed to ensure an acceptable relationship is retained. The proposal also seeks the addition of a sun terrace at first floor level. It is considered necessary to require the balustrading on the east side elevation to

be obscure glazed and a minimum of 1.7m high via condition to ensure an acceptable relationship with the adjacent properties is retained due to the small separation distances and likelihood that overlooking could be achieved.

As such with the addition of conditions the proposal is considered to be acceptable in terms of impact on neighbour amenity and therefore accords with Policy DE3 in the Torbay Local Plan.

#### 5. Drainage

The applicant has indicated that surface water from this development would be discharged to the combined sewer as the ground conditions are unsuitable for soakaways. To use this method the applicant must demonstrate that they have investigated a sustainable drainage system and provide details of why this is not feasible for the development site. As Torbay is a Critical Drainage Area any surface water discharge rate from the site to the surface water sewer or drain must be limited to greenfield run off rate for the 1 in 10 year storm event with attenuation designed so as there is no risk of flooding to properties or increased risk of flooding to adjacent land for the critical 1 in 100 year storm event plus a 30% allowance for climate change. It should be noted that where the greenfield run-off rate for the site is below 1.5l/sec, a discharge rate of 1.5l/sec will be accepted. The applicant must submit their design to demonstrate that their surface water drainage design will not result in any increased risk of flooding to properties or land adjacent to their development for the critical 1 in 100 year storm event plus a 30% allowance for climate change.

As such, the proposal would comply with Policies ER1 and ER2 of the Torbay Local Plan 2012-2030 with the addition of a planning condition.

#### 6. Transport issues

Policy TA3 of the Torbay Local Plan states that new dwellings should be served by two car parking spaces. The proposed dwellings provide adequate off street parking provision and would therefore comply with Policy TA3 of the Torbay Local Plan.

In line with the Highways Engineer's comments the gradient of the driveway serving Plot 2 has been modified to provide a gradient of 1 in 8. The new access serving Plot 1 is considered to be acceptable in terms of highway safety. As such the Highways Engineer has not raised an objection to the proposal and the development is considered to accord with Policies TA2 and TA3 of the Torbay Local Plan. Conditions are recommended to secure a scheme of boundary treatment to ensure the walls at the entrances to the site do not exceed 1m in height. An informative can be employed to bring to the applicant's attention the requirement that a licence be sought for works within the highway.

#### 7. Trees and Ecology

The site contains a protected Chestnut tree, which is to be retained. The site also



contains other specimens. The applicant has submitted tree survey and impact assessment information, which has been considered by the the Council's Natural Environment Service. No objections are raised in relation to the proposal's arboricultural impact, subject to the use of conditions to ensure adequate protection for the retained tree.

There is scope for new tree planting which will also mitigate for the past tree loss and also help screen the visual appearance from the street scene. In particular the area on the western side of the site between the new access. This area is seen as key for new tree establishment with space to mature with minimal conflict. The new tree should be a pine tree which links to the character of the existing visual landscape and coastal setting.

The scheme is therefore considered to be suitable for approval on arboricultural merit subject to the addition of conditions for tree protection and to secure a landscape planting plan. The proposal is therefore considered to accord with Policy C4 of the Torbay Local Plan.

It is also considered that the landscaping scheme, retention of the Horse Chestnut and the introduction of a new pine tree on the west side of the plot will help to screen and assimilate the new development into the locality and streetscene in accordance with Policy DE1.

The application has been accompanied by an Ecological Survey Report including a phase 2 survey for bats and reptiles. The written assessment concluded that:

- 1) There was no evidence of bird species listed on schedule 1 of the Wildlife and Countryside Act (1981) within the site. This site is also considered unlikely to support a bird assemblage of more than site level importance. No specific surveys for bird species are recommended.
- 2) No badger setts or other signs of badgers was noted during the survey. However efforts to avoid harm to badgers crossing the site during construction works are provided in the Conservation Action Statement.
- 3) Reptile refugia surveys identified slow worms within the site. It is recommended that a strategy to protect reptiles is implemented prior to commencement of works. The strategy will include the translocation of reptiles from the footprint of the construction area to a designated receptor site.
- 4) No impacts on rare or protected plant species are anticipated.
- 5) If common toads are found during the reptile translocation, they should be moved to an area of undisturbed habitat off-site.
- 6) If a hedgehog is encountered it should be allowed to disperse of its own accord.
- 7) Dusk emergence and dawn re-entry surveys were undertaken where bats were recorded. The demolition of the dwelling will result in the destruction of a bat roost. A European Protected Species Licence will be required from

- Natural England to undertake the proposed works.
- 8) There are potential features on the dwelling that have potential to support nesting birds. Efforts to avoid harm to nesting birds are provided in the Conservation Action Statement. No specific surveys for bird species are recommended.

Consultation from the Council's External Ecologist has confirmed that no Habitats Regulations Assessment (HRA) is considered to be required given the location and type of application in relation to European sites. The site is within a residential area in Torquay and the proposals will not result in any changes other than within the footprint of the land holding itself. The applicants have been informed that the proposed works will require a European Protected Species Licence from Natural England to carry out the works. The Ecological Survey Report includes a Conservation Action Statement in Appendix 7 and includes a number of measures to mitigate for any potential effects on bats, reptiles and breeding birds and a number of enhancement measures. It is considered that there is no reason for refusal of this planning application on ecological grounds provided the proposals are implemented using the Conservation Action Plan within Appendix 7 of the Ecological Survey Report. These measures will be secured via a planning condition.

In terms of its impact on ecology, the proposal is therefore acceptable with the addition of a condition. The proposal is therefore considered to be in accordance with Policy NC1 of the Torbay Local Plan.

### **Neighbourhood Plan**

The Torquay Neighbourhood Plan has recently completed its Independent Examination. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application

There are no policies in the emerging Torquay Neighbourhood Plan that are material to this planning application.

### **Statement of Pro-active Working**

The Council has sought to work positively and creatively with the applicant through discussions and through open dialogue including requests for revised plans.

### **S106/CIL -**

Community Infrastructure Levy:

The rate for CIL Charging Zone 3 is applicable. This is charged at £70 per square

metre. The submitted CIL Form has indicated that the existing floorspace to be demolished is 254 square metres and it has been in lawful use for 6 continuous months of the 36 previous months, whilst the proposed floor space of the new dwellings is 896.28 square meters. An informative can be used to draw the developer's attention to their obligations under the CIL Regulations.

## **Human Rights and Equality Issues**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

## **Conclusions**

The proposal is considered acceptable, having regard to Policies DE1, DE3, TA2, TA3, C4, NC1, ER1 and ER2 of the Torbay Local Plan, and all other material considerations.

## **Condition(s)/Reason(s)**

01. No development shall take place until a European Protection Species (ESP) license, if required, has been obtained, including the appointment of an ESP License holder or accredited agent to manage the implementation of ecological mitigation strategy through to the completion of the development.

Reason: In the interest of protecting wildlife in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

02. No development shall take place until a method statement for the construction of the development hereby approved has been submitted to and approved by the Local Planning Authority. The statement shall provide details of the management of material deliveries and where they will be stored; measures for minimising noise and preventing dust-drift; the times of construction on the site; and the management of parking provision for contractors working on the site. The development shall be carried out in accordance with the approved details.

Reason: This information is required prior to the commencement of the development as it will confirm how the construction process will be managed in the interests of highway safety and local amenity in accordance with policies TA1, TA2 and DE3 of the Torbay Local Plan 2012-2030.

03. No development shall take place until a detailed arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall detail any proposed ground works and improvements within the vicinity of tree T1 and improvement of the rooting area for tree T1 including the removal of stone and concrete and any soil amelioration methods. All works shall be carried out in accordance with the approved details.

Reason: To protect trees in the interests of visual amenity in accordance with Policy DE1 and C4 of the Torbay Local Plan 2012-2030. These details are required prior to commencement in order to ensure the natural environment is protected during the development period.

04. Prior to the commencement of the development hereby approved tree protection measures shall be installed in accordance with the approved Tree Protection Plan and Arboricultural Impact Assessment (references '04738 (Tree protection plan)' and '04738 AIA 6.6.18'). All works shall be carried out in accordance with these approved documents and the protection measures shall be implemented at all times during the course of the construction works.

Reason: In accordance with the submitted details and to protect trees in the interests of visual amenity in accordance with Policy DE1 and C4 of the Torbay Local Plan 2012-2030. These works are required prior to commencement in order to ensure the natural environment is protected during the development period.

05. Notwithstanding the submitted flood risk assessment, surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 30% for climate change. If demonstrated that the ground conditions are not suitable for soakaways or will result in an increased risk of flooding to surrounding buildings, roads and land, prior to commencement of the development, details of an alternative means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details of the alternative means of surface water drainage shall include evidence of how surface water will be dealt with in order not to increase the risk of flooding to surrounding buildings, roads and land. As Torbay is a Critical Drainage Area the submitted means of surface water drainage shall ensure that all off site surface water discharges from the development must be limited to the "Greenfield" run off rate for the 1 in 10 year rainfall event with attenuation designed so as there is no risk of flooding to properties or increased risk of flooding to adjacent land for the critical 1 in 100 year storm event plus a 30% allowance for climate change. On site all surface water shall be safely managed up to the

"1 in 100 year critical rainfall event plus 30% allowance for climate change" conditions. This will require additional water storage areas to be created thereby contributing to a reduction in flooding downstream. The development shall not be utilised until the approved surface water drainage system has been completed as approved and it shall be continually maintained thereafter.

Reason: In the interests to adapting to climate change and managing flood risk, and in order to accord with saved Policies ER1 and ER2 of the Torbay Local Plan 2012-2030 and paragraph 103 of the NPPF. These details are required pre-commencement as specified as Torbay has been designated as a Critical Drainage Area and to ensure that a surface water drainage system is designed appropriately in light of this designation.

06. Prior to commencement of any works above damp proof course level on the new dwellings, samples of all the materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such.

Reason: To ensure an acceptable form of development in the interests of the character and appearance of the streetscene in accordance with policy DE1 of the Torbay Local Plan 2012-2030.

07. No development shall take place until details of all proposed hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species. The approved hard landscaping details shall be provided within six months of the development being brought into use, and shall be retained for the life of the development.

Reason: In the interests of biodiversity and to secure a landscape scheme that will complement the development in the interests of visual amenity in accordance with policies NC1 and C4 of the Torbay Local Plan 2012-2030.

08. The development shall proceed fully in accordance with the Conservation Action Statement detailed on pages 41-45 of the Ecological Survey Report (plan reference 7604 ECAS received 6th March 2018) hereby approved.

Reason: To ensure that the development proceeds in an appropriate manner, in accordance with Policy NC1 of the Torbay Local Plan.

09. Prior to the first use or occupation of the dwellings hereby approved the parking areas and garages shown on the approved plans ('7604-04 Version C-(Site plan) and '7604-01 Version E') shall be provided and laid out in accordance with the plans. Thereafter the spaces shall be kept permanently available for the purposes of parking for the residents of the dwellings.

Reason: In order to provide adequate parking provision, in accordance with Policy TA3 of the Torbay Local Plan 2012 - 2030.

10. Before the first use of the Plot 2 hereby approved the first floor window serving a bathroom on the East elevation shall be fitted with obscured glazing to at least Pilkington Level 3 or an equivalent standard. The window shall be permanently retained in that condition thereafter.

Reason: To protect residential amenity and the privacy of neighbouring properties in accordance with policies DE3 of the Torbay Local Plan 2012-2030.

11. Before the first use of the sun terrace serving Plot 2 hereby permitted, 1.7m high obscure glazed privacy screens to at least Pilkington Level 3 or an equivalent standard shall be erected on the eastern elevation and shall thereafter be permanently retained.

Reason: To protect residential amenity and the privacy of neighbouring properties in accordance with policies DE3 of the Torbay Local Plan 2012-2030.

12. Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once provided, the agreed storage arrangements shall be retained for the life of the development.

Reason:

In interests of visual amenity and in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030.

13. Prior to the first occupation of the development hereby permitted, a scheme of boundary treatment shall be fully installed in accordance with details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once provided, the agreed boundary treatment shall be retained for the life of the development.

Reason:

In interests of visual and residential amenity and in accordance with Policies DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 2015, Article 3, Schedule 2, Part 1, Classes A to E, no enlargements, improvements or other alteration shall take place to either the proposed or existing dwellings within the application site, and no outbuildings or other means of enclosures shall be erected within the garden areas of these dwelling houses, with the exception of one ancillary structure each up to 10 cubic metres in volume, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:

In interests of visual and local amenity and in accordance with Policies DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030.

### **Informative(s)**

01. For the avoidance of doubt, any works to be undertaken within the public highway will require the separate consent of the Highway Authority.
02. Community Infrastructure Levy (CIL)

This development is liable for contributions under the CIL regulations to provide essential infrastructure to support development in the Borough.

#### CIL next steps required under the CIL Regulations 2010 (as amended):

Where planning permission has been granted for development, the Council (as the collecting authority) requires the developer, landowner or another interested party to assume liability for the levy by submitting an assumption of liability form. The Council, as the collecting authority, will then as soon as reasonably practicable, issue a Liability Notice to the applicant, the developer, and/or whoever has assumed liability for the scheme, which sets out the charge due and details of the payment procedure.

Any claims for exemption or relief can only be considered from parties who have already assumed liability, prior to commencement of development.

The relevant liable person(s) must then submit a notice to the Council setting out when development is going to start – a Commencement Notice. The Commencement Notice must be submitted to the Council for their written acknowledgement at least 48 hours prior to the start of any development on the site. No development must commence without written acknowledgement of receipt of a Commencement Notice.

The Council will then issue a demand notice to the landowner, or whoever has assumed liability, setting out the payment due dates in line with the payment procedure. On receipt of the demand notice and commencement of the development, the landowner, or whoever has assumed liability, should follow the correct payment procedure.

Failure to inform the Council of Commencement or to follow the CIL process and payment procedure correctly may result in the addition of surcharges and/or late payment interest. It must be noted that it is an offence for a person to 'knowingly or recklessly' supply false or misleading information to a charging or collecting authority in response to a requirement under the levy regulations (Regulation 110 as amended by the 2011 Regulations).

Further CIL information and Forms can be found at <https://www.gov.uk/guidance/community-infrastructure-levy#forms-and-template-notices>

03. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

### **Relevant Policies**

DE1 - Design  
DE3 - Development Amenity  
ER1 - Flood Risk  
ER2 - Water Management  
C4 - Trees, hedgerows and natural landscape  
NC1LFS - Biodiversity and Geodiversity\_  
TA2 - Development access  
TA3 - Parking requirements