

Friday, 5 January 2024

PLANNING COMMITTEE

A meeting of **Planning Committee** will be held on

Monday, 15 January 2024

commencing at **5.30 pm**

The meeting will be held in the Burdett Room, Riviera International Conference Centre, Chestnut Avenue, Torquay TQ2 5LZ

Members of the Committee

Councillor Maddison (Chairwoman)

Councillor Billings (Vice-Chair)

Councillor Virdee

Councillor Mandy Darling

Councillor Barbara Lewis

Councillor Fox

Councillor Brook

Councillor Pentney

Councillor Tyerman

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Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

PLANNING COMMITTEE REVISED AGENDA

1. **Apologies for absence**

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

2. **Minutes**

To confirm as a correct record the Minutes of the meeting of this Committee held on 13 November 2023.

(Pages 4 - 7)

3. **Disclosure of Interests**

(a) To receive declarations of non pecuniary interests in respect of items on this agenda.

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda.

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. **Urgent Items**

To consider any other items that the Chairwoman decides are urgent.

5. **Former Dairy Crest Depot, Parkfield Road, Torquay
(P/2023/0131)**

Redevelopment of part of the former depot to form 44 apartments with associated parking and landscaping (part retrospective).

(Pages 8 - 30)

6. **Quintaville Residential Home, 1 Quinta Road, Torquay
(P/2023/0327)**

Demolition of the former care home and replacement with block of 14 apartments with associated parking (readvertised following the receipt of revised plans on 9 October 2023).

(Pages 31 - 50)

Site Visits

If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 10 January 2023. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

Public Speaking

If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email governance.support@torbay.gov.uk before 11 am on the day of the meeting.

We are using hybrid meeting arrangements to give registered speakers the opportunity to either attend the meeting in person to give their views or to attend the meeting remotely via Zoom. If you would like to attend the meeting remotely to speak you will be provided with a Zoom link to join the meeting. We also ask that you provide a copy of your speech to governance.support@torbay.gov.uk, before 11 am on the day of the meeting, so that the Clerk will be able to continue to read out your speech if you lose connection or cannot be heard in the physical meeting. Remote attendees who lose connection may still be able to follow the meeting via the live stream on the Council's YouTube channel.

Councillors who are not members of the Planning Committee will also be able to join the meeting via Zoom and must use their raise hand function to declare any interests.

Live Streaming

To encourage more people to engage in our public meetings the Council is trialling streaming our Planning Committee meetings on our YouTube channel in addition to recording the meetings and publishing the recording on our website. To watch the meeting live please visit <https://www.youtube.com/user/torbaycouncil>.

We are also using hybrid meeting arrangements to enable registered speakers to either attend the meeting in person or to attend the meeting remotely via Zoom. **Anyone attending the meeting remotely must register their intention to do so by 11 am on the day of the meeting and provide a copy of their speech to governance.support@torbay.gov.uk by this deadline.** If anyone attending the meeting remotely loses connection the meeting will continue and their speech will be read out by the Clerk and they will have the option to follow the meeting via the YouTube live stream.

Minutes of the Planning Committee

13 November 2023

-: Present :-

Councillor Jacqueline Thomas (Chairwoman)

Councillors Billings (Vice-Chair), Mandy Darling, Fox, Pentney, Tolchard, Brook and
Barbara Lewis

(Also in attendance: Councillors Bye, Joyce and Maddison)

33. Apologies for absence

An apology for absence was received from Councillor Cowell.

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Committee had been amended to include Councillors Barbara Lewis and Brook in place of the two Conservative vacancies.

34. Minutes

The minutes of the meeting of the Committee held on 16 October 2023 were confirmed as a correct record and signed by the Chairwoman.

35. Railway Corridor (Edginswell Railway Station), Off Newton Road, Torquay (P/2023/0708)

The Committee considered an application for construction of a new railway station with pedestrian access from the existing highway both to the north (Riviera Way) and the south (Newton Road). The works provided a new railway station including two platforms, fully accessible lift footbridge with elevated walkway to the north with associated infrastructure to include waiting shelter, lighting, CCTV, cycle parking with shelter and signage.

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's website. At the meeting Dr Rodney Horder addressed the Committee on behalf of the Torquay Neighbourhood Forum in support of the application but expressed concerns over the lack of parking. Mr Richard Brown addressed the Committee in support of the application although expressed concerns around accessibility.

In accordance with Standing Order B4.1 Councillor Katya Maddison addressed the Committee in support of the application and read out a statement of support provided by Councillor Darren Cowell.

Resolved:

Approved subject to:

1. the receipt of satisfactory comments from the Environment Agency regarding the development's flood resilience, delegated to the Divisional Director of Planning, Housing and Climate Emergency;
2. the conditions as outlined in the submitted report, with final wording delegated to the Divisional Director of Planning, Housing and Climate Emergency; and
3. the resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

(Note: Prior to consideration of the item in Minute 35, Councillor Billings declared a non-pecuniary interest as Cabinet Member for Pride in Place, Culture and Events and Parking, which included transport within the portfolio and he abstained from the voting on this item).

36. Waddeton Approach, Waddeton Close, Paignton (P/2023/0621)

The Committee considered an outline application for residential development of up to 60 dwellings, commercial space and associated works with details of access to be determined with all other matters reserved.

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's website. At the meeting Mr Chris Hays spoke on behalf of Mr Andrew Maltby in support of the application.

At the meeting the Planning Officer advised, that since the report had been published, a proposed amendment had been made to Condition 16, at the request of the Highways Authority.

Resolved:

Approved subject to:

1. the conditions outlined in the submitted report with the following amendments:

Revised Condition 16: Highway Works - adoptable network plan and Road Management Plan as set out in the Planning Officer's presentation.

Reason for variation: to take into account Highway Authority's comments and to clarify their aspiration to either achieve adoptable standards or secure a road management plan from the northern access point of the site.

Revised Conditions 1 and 3: removal of references to illustrative site plan layout.

Reason for variation: so that further consideration can be given to site layout and design to fully respond to public concerns about layout, scale and public open space at reserved matters stage.

2. the completion of a Section 106 Legal Agreement to secure the heads of terms as outlined, in accordance with the adopted Planning Contributions and Affordable Housing Supplementary Planning Document, on terms acceptable to Officers;
3. the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency; and
4. the resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

37. Merida, Parkhill Road, Torquay (P/2023/0330)

The Committee considered an application for maintenance, repair, refurbishment and alteration works.

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's website. At the meeting Mr Jamie Staples and Mr Mike Cowdery, Chair of Wellswood Community Partnership addressed the Committee against the application. Dr Rodney Horder addressed the Committee on behalf of the Torquay Neighbourhood Forum against the application. Mr Mike Walsh addressed the Committee in support of the application.

In accordance with Standing Order B4.1 Councillor Patrick Joyce addressed the Committee against the application and Councillor Nick Bye addressed the Committee in support of the application.

Resolved: (unanimously):

Approved subject to:

1. the conditions as outlined in the submitted report, with final wording delegated to the Divisional Director of Planning, Housing and Climate Emergency; and
2. the resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of

Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Chairwoman

Application Site Address	Former Dairy Crest Depot, Parkfield Road Torquay. TQ1 4BH
Proposal	Redevelopment of part of former depot to form 44 apartments with associated parking and landscaping (Part Retrospective).
Application Number	P/2023/0131
Applicant	McCarthy Contracting & Development Ltd
Agent	Kay Elliott Architects
Date Application Valid	10.11.2023
Decision Due date	09.02.2024
Extension of Time Date	N/A
Recommendation	<p>Approval: Subject to;</p> <ol style="list-style-type: none"> 1. Receipt of surface water drainage detail to the satisfaction of officers; 2. The conditions as outlined with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency; 3. S106 legal agreement to secure deferred obligations as identified. 4. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.
Reason for Referral to Planning Committee	Major Development.
Planning Case Officer	Scott Jones



Site Details

The application site is part of the former milk depot that sits between Lymington Road and Parkfield Road, approximately 1km north of Torquay Town Centre, in an area that has a mixed commercial and residential character. The site is currently under redevelopment towards a residential use, where there is planning consent over the wider site for 48 apartments and 7 dwellings under planning permission P/2020/0497.

The site's previous buildings and structures from its former depot use have been removed. To the northern end of the wider site 7 dwellings sit, recently built under the recent planning consent. To the south of these within the application site sits a substantially complete shell of an apartment block.

In terms of context outside of the site within the public realm there is a notable row of mature lime trees to the east along Lymington Road. There is also a wooded bank on the opposite side of Parkfield Road. To the south lies commercial and residential buildings, and to the north and east there are residential properties set across public highways.

In terms of levels the site is largely flat and is slightly lower than the adjacent streets. To the east the Lymington Road is generally between 0.5 and 1m higher than the adjacent site level and to the west Parkfield Road is between 1m-2.5m higher than the adjacent site level.

In terms of access points there is a vehicular/pedestrian access point off Parkfield Road between the dwellings and the part-constructed apartment block.

In terms of designations the site sits within a Critical Drainage Area and there is an identified linear flood risk area that follows the culverted waterway that flows from north to south

towards the town centre and coast. The Torquay Neighbourhood Plan allocates the site for residential purposes and notes an approximate yield (number of units) of 40. In terms of further context, the Grade 2 Listed Penny's Cottage sits to the north across a road junction, and the adjacent wooded bank on the opposite side of Parkfield Road sits as part of an Urban Landscape Protection Area and Local Wildlife Site within the Torbay Local Plan and Local Green Space within the Torquay Neighbourhood Plan.

Description of Development

This is a full application for the provision of a single apartment block of 44 units with parking and landscaping.

The apartment block is proposed in the south-western quarter of the site adjacent to Parkfield Road and covers a footprint of approximately 70m long by 17m deep. The building has 4 floors of accommodation with an under-croft storey of parking, which is set below the level of Parkfield Road. The uppermost storey of accommodation is set within a pitched roof. The base material is white render with the intermittent use of dark umber standing seam cladding, under a natural slate roof.

In terms of car parking the development provides 42 spaces within the undercroft with a further 7 spaces within the adjacent open forecourt. This presents 45 assigned spaces for 44 units and 4 visitor spaces, one of which is a disabled space. 4 of the assigned spaces are disabled. The plans also include highways works to provide 6 formalised public parking bays in the street along Parkfield Road consented under a previous permission and secured under a highway agreement.

The vehicular access is maintained within the existing location which was previously consented under P/2020/0497.

Relevant Planning 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")
- The Adopted Torquay Neighbourhood Plan (TNP)

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice 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:

Relevant Planning History

Planning Application: P/2020/0497: Demolition and redevelopment of former dairy depot to form 55 residential dwellings (48 apartments and 7 dwelling houses), with associated parking and landscaping. Approved (with legal agreement) 18.11.2022.

Planning Application: P/2019/0283: Outline application for the demolition of existing buildings and change of use of the land from industrial to provide up to 43 residential

dwelling with parking, with detailed access, layout and scale (Matters of appearance and landscaping Reserved). Approved 28.10.2019.

Summary of Representations

2 representations, 1 support, 1 objecting. Key issues as follows:

- Concern in terms of impact of traffic in terms of road narrowing works.
- Support in terms of improving the overall design.
- Support in terms of reducing the number of flats and number of cars and parking demand.

Summary of Consultation Responses

Torquay Neighbourhood Forum

No comments received.

The Highway Authority (SWISCo/WSP: Comments dated 20.12.2023)

The vehicular access, parking levels, cycle parking levels, and trip generation expected from the development are considered acceptable, with consideration that this is a resubmission of a consented form of development with slightly fewer apartments. The necessary highway works have been secured under the previous consent and no alteration to the existing agreement/works are necessary.

Notwithstanding the above the applicant should address the following points before the Local Highway Authority is able to make a recommendation regarding this planning application:

- Explore potential direct pedestrian access to Lymington Road on the eastern perimeter of the site;
- Provide clarification regarding proposed adoption status of highways within the development;
- Provide swept path analysis demonstrating the ability of a refuse vehicle to enter the site in a forward gear, turn safely and egress the site in a forward gear;
- Update the Travel Plan with targets setting out how 30% of the site users will travel sustainably, with measures supporting these targets and monitoring of progress being made against them; and
- Provide further information regarding how emergency vehicles will enter the site given the proposals are for the site to be gated.

Drainage Engineer (Torbay Development Agency: Comments dated 21.12.2023)

The hydraulic modelling submitted in the flood risk assessment, dated April 2020, does not correspond to the surface water drainage layout submitted, drawing AT 2323 11 Rev A, dated 13.02.2023. As a result, it cannot be confirmed whether the surface water drainage has been designed in order that there is no risk of flooding to property on the site or any increased risk of flooding to property or land adjacent to the site for the critical 1 in 100 year storm event plus 50% for climate change. These details should be submitted before planning permission can be granted.

South West Water

The applicant should demonstrate to the Local Planning Authority that the proposed surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable.

Environment Agency

No objection to the proposed development subject to the inclusion of a condition relating to the implementation of the submitted Flood Risk Assessment (FRA) and mitigate measures contained within, relating to Finished Floor Levels, external flood routing as shown to route any exceedance flows away from the buildings, and safe access and egress being provided to higher ground to Parkfield Road.

In terms of contaminated land submitted detail shows that the identified contaminations would not pose a problem to the water course environment, and hence there is no further comment. The submitted documents should be approved to secure their implementation.

Tree Officer (SWISCo)

No objection. Recommends a planning condition should be applied to any grant of planning permission requiring the implementation of the recommendations and arboricultural method statements within Tree Protection Plan Ref: 05123 TPP AMS 24.3.22.

Torbay Council Community Safety Officer

No objection.

Waste and Recycling Team (SWISCo)

Object to this development. Torbay Council is named as the collector of the household recycling and waste that is generated within the development. This is a fundamental change to the previous consent. If the proposed waste collection arrangement is implemented SWISCo will require the unadopted highway to be built to adoptable standards and for a formal indemnity to be in place before collections can begin. If this can be achieved, we would require ongoing management of parking and other potential obstructions on collection days. Also request waste management contributions for this development as per the Planning Contributions and Affordable Housing SPD, based on the fact that this is a fundamental change to the arrangements put in place when P/2020/0497 was approved.

Police Designing out Crime Officer

Supports the information detailed within the design and access statement, to meet Secured By Design 2019 standards. Recommend that a secure lobby area is created within the main entrances so it can prevent onward movement into the residential aspect of the building and that within the lobby there should be a mail/parcel delivery system for the resident in line with secured by design recommendations. Any access control/door entry system should not have a tradesperson or time released mechanism due to the evidence of anti-social behaviour and unauthorised access associated with these.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of Development
2. Design and Visual Impact (including the impact upon the setting of the adjacent Listed Building)
3. Residential Amenity
4. Highways, Movement and Parking
5. Ecology, Biodiversity and Trees
6. Flood Risk and Drainage
7. Low Carbon Development and Climate Change
8. Contamination

1. Principle of Development

In terms of context the site is a long-vacant 'brownfield' site located in an established urban area of Torquay relatively close to the town centre and the various shops, services and associated transport options. It also sits in a corridor where there is a strong character of both residential and commercial uses. It is materially relevant that planning permission was recently granted for a similar form of development under reference P/2020/0497 in 2022.

National guidance contained within the NPPF presents clear support for the principle of using land effectively to meet the need for homes and guides that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. It also promotes support for the development of under-utilised land and buildings, especially where proposal would help to meet identified needs for housing (Paragraph 124).

In terms of the local Development Plan the principle of residential development is supported considering the sites brownfield character and its well-located relatively central urban location. Central guidance is offered in Policies SS3, SS12 and H1 of the Torbay Local Plan, supporting proposals for new homes in the built-up area (subject to wider policy consistency) and promoting the re-use of brownfield land, and the need to provide homes and meet housing needs. In terms of the Torquay Neighbourhood Plan Policy TS4 also offers broad support for development proposals for brownfield sites, providing there are no significant adverse impacts, again having regard to other policies in the plan.

Specific to this site the Torquay Neighbourhood Plan identifies the land as one of 5 additional sites allocated for housing within Torquay (beyond the allocation drawn from the Torbay Local Plan's pool of identified sites) within Policy TH1. The site reference is NP3 and the estimated capacity is 40 units. This establishes a clear support for the principle of a residential use within the Development Plan.

Drawing together the policy landscape there is support for the provision of a residential use on the site within policy and through recent planning approvals as material considerations. The policy support is clear within Policies TH1 and TS4 of the Torquay Neighbourhood Plan and the current shortfall in housing land supply strengthens this support. This position is however subject to wider policy considerations that are relevant to the development proposal, which will be discussed in the forthcoming sections of the Officer Assessment.

It is also relevant to note that the Council is currently falling short of a 3 and 5-year housing land supply and that the proposal would make a moderate contribution to this shortfall being addressed as a windfall brownfield development. The application of the 'tilted balance' in favour of sustainable development is a material policy consideration as identified by the NPPF in this circumstance (Paragraph 11). However, as cited above, the principle of residential is supported for the reasons stated. The 'tilted balance' guides towards granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.

2. Design and Visual Impact (including heritage impacts)

Achieving good design runs through national guidance where the NPPF outlines that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development (Paragraph 131). Guidance furthers that developments should be visually attractive, by sympathetic to local character (whilst not preventing or discouraging innovation) and maintain a strong sense of place (Paragraph 135). Similar design expectations are engrained within the Development Plan through Policies SS11, DE1 and DE4 of the Torbay Local Plan and TH8 of the Torquay Neighbourhood Plan.

In terms of layout, scale and general form the development principally mirrors the recent

consented building under planning permission P/2020/0497, which was considered a suitable form of development under a similar policy umbrella. This recent consent is an important material consideration in terms of it having established broad support for the general form of development being proposed in this current application. In this context the key considerations are whether the variances from this consent are acceptable in design and visual impact terms.

In terms of where the current proposal differs to the previous consented building the key changes are:

- Recessed covered terraces within the gable ends at roof level.
- Minor realignment of openings and changes to the frame divisions within the southern elevation (overlooking the access).
- Addition of windows within the northern end elevation.
- Revised (and additional) dormers within the western roofscape facing Parkfield Road, replacing 4 dormers and numerous rooflights with 14 dormers.
- Revised (and additional) dormers within the eastern roofscape overlooking the site and facing Lymington Road, replacing 4 dormers and numerous rooflights with 10 dormers.
- Small changes to the window/door frame divisions within the east and west elevations.
- Change from slate roof to fibre cement “slate” tiles.

The amended design in the gables ends, overall, are deemed positive and present a slightly enlightened design to the previously consented detail. The changes to the linear east and west elevations collectively will present a slightly more cluttered elevation detail, however considering how the building sits within its setting the additional roof elements and more intricate window divisions still maintain an acceptable and positive form of development within the area. The alteration from natural slate to cement “slate” tile is considered acceptable considering the context of the site and the height and form of the building, which limit views to the roofscape.

In terms of detailed design and materials the apartment block maintains the simple modern and rhythmic form with use of white render as the base material with dark umber cladding used to present vertical breaks within the long facades, which helps soften the elevation and break up its scale.

Away from the building the arrangement of parking and landscaping is unchanged between the building and the boundary with Lymington Road.

Regarding heritage assets there is a requirement to pay special attention to the desirability of preserving or enhancing the setting of listed buildings, and in terms of this development Penny’s Cottage, a listed building, sits to the north across the road junction. The proposal still presents enhancement of the view along Lymington Road towards Penny’s Cottage compared to the previous commercial and hard industrial urban landscape. Similarly, the experience of the setting is still deemed to be enhanced by the scheme removing of the general industrial environment resulting in a more tranquil setting. In terms of the impact upon the setting of the building it is hence considered to be positive one overall.

All matters considered the material form and overall character of the building is considered positive, which maintains a suitably scaled and detailed building for its context, and one that is largely similar to the previously consented building, and one which adequately acknowledges local character. When considering policy guidance the proposal is deemed to be in accordance with Policies DE1, DE4, SS11 of the Torbay Local Plan, TH8 of the Torquay Neighbourhood Plan, and is aligned with the guidance contained in the NPPF in terms of good design.

This conclusion has taken account of the statutory duty under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the local planning authority, when making a decision on any decision on a planning application for development that affects a listed building or its setting, to pay special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

3. Residential Amenity

The NPPF guides that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (Paragraph 135). The Torbay Local Plan contains policy guidance aligned with the aspirations of the NPPF, principally through policies SS11, H1 and DE3, towards ensuring that residential development produces high-quality living environments that present a good level of amenity for future users and neighbouring occupiers. Policy DE3 also identifies size standards for self-contained units, which reflect national space standards.

In terms of location the central urban setting is relatively close to the town centre and is considered a positive sustainable location for the future use and well suited to a residential occupancy, presenting good opportunities for future occupants in terms of access to services, facilities and sustainable transport options.

Quality of living accommodation for future occupiers

The proposal seeks to provide 4 x 3-bed apartments, 38 x 2-bed apartments, and 2x 1-bed apartments. The 1-bed apartments are 58sqm internally, the 2-bed apartments range between 74-106sqm, and the larger 3-bed units are 114-120sqm internally. In terms of context the previous consented block proposed 46x 2-bed apartments and 2x 1-bed apartments. The principal change in the layout to the previous consent is the reduction of the number of units within the top floor, making these units larger, thus the introduction of 3-bed units into the scheme.

All apartments are considered to provide an acceptable scale of living accommodation with floor areas exceeding the prescribed standards. In addition to the size of the space the quality of the space should be considered, in terms of how it is positively influenced by natural light levels and outlooks. In this regard all apartments provide a good level of both light and outlook with adequately sized windows to all key spaces and suitable open outlooks. Policy DE3 also seeks secure the provision of usable outdoor amenity space where apartments should deliver 10sqm per unit either individually or communally. The Torquay Neighbourhood Plan is in alignment with this guidance as advised within Policy THW4, either as balconies or communal space. The scheme provides both balconies and a communal greenspace that accumulatively exceeds the policy-guided minimum of 480sqm, which provides an acceptable level of outdoor space for future occupants of the apartments.

In terms of key ancillary elements Policy W1 of the Torbay Local Plan states that as a minimum, all developments should make provision for appropriate storage of waste. Communal bin storage areas have been provided within the apartment building. The proposed bin storage facilities are considered acceptable and compliant with Policy W1. As a note the waste collection for the apartment block is likely to be delivered by a private provider due to the distance of the collection area from the adopted highway. This has been confirmed by the applicant following the concern raised by the Waste and Recycling Team who had noted reference to a local authority collection regime. Cycle parking is

proposed within the building in secure environments. A more detailed layout showing the facilities can deliver 44 cycle parking spaces has been requested, however on face value the facility does appear to have potential for such capacity. Subject to the receipt of a plan detailing 44 spaces, and external visitor cycle locking, the cycle parking will be considered adequate.

Considering the various aspects that influence a good living environment development is considered to provide a good standard of living accommodation for future occupiers, in accordance with policy guidance, notably Policy DE3 of the Torbay Local Plan and Policy THW4 of the Torquay Neighbourhood Plan, and advice contained within the NPPF.

Adjacent neighbouring amenity

Policy DE3 of the Torbay Local Plan states that development should not unduly impact upon the amenity of neighbouring and surrounding occupiers.

The construction phase, which is ongoing, will naturally have some temporary impacts however such impacts are not unusual and can be limited through positively managing the process through a Construction Method Statement. This should be conditioned to be received without delay due to the context. In terms of context a similar detail has been submitted and approved as part of the previous planning consent.

In terms of the finished development the residential use aligns with the residential uses nearby and the additional dwellings would not result in undue noise or general disturbance. The move from a commercial use to residential is likely to be positive as although the site lies empty a future commercial use could create noise and disturbance.

In terms of scale and height the building mirrors that which is already consented and there is unlikely to be any undue loss of outlook or light to the north and east, as adjacent residential properties are set some distance away across relatively wide public roads. To the south the existing residential building off Parkfield Road is relatively close however the relationship is considered an acceptable one, towards what is a secondary elevation of the end dwelling, where key rooms do not rely solely on the northern elevation for light or outlook. In addition there would be no undue impact on outlook to the rear and small outdoor amenity areas would not be overshadowed due to the northerly position of the proposed apartment block. To the west there is no development to consider.

In terms of privacy, inter-looking and overlooking nearby properties to the north, and east across Lymington Road, are well-distanced and would be unaffected by the development. The residential building to the south off Parkfield Road is again relatively close and there are windows at an oblique angle and small terraced areas that appear defined by privacy screens. The level of over-looking and any impact would appear moderately sensitive, but any impact is mitigated by detail of obscure glazing on the plans. It is proposed that a condition is attached. A supporting letter has been received from the adjacent occupier regarding the benefits of some passive surveillance to the side.

Having regard to the amenities provided within the proposal for future occupants and the future relationship of the development with adjacent plots and neighbouring occupants, the scheme is considered sufficiently aligned with the aims and objectives of Policies SS11, DE1 and DE3 of the Torbay Local Plan, Policy THW4 of the Torquay Neighbourhood Plan and guidance contained within the NPPF.

4. Highways, Movement and Parking

The NPPF guides that appropriate opportunities to promote sustainable transport modes should be ensured, and that safe and suitable access to the site should be achieved for all users (Paragraph 114). It also furthers that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (Paragraph 115).

Development Plan objectives align with the aspirations of national guidance with principal guidance within Policies TA1, TA2 and TA3 of the Torbay Local Plan encompassing outcomes for developing a sustainable model of transport, providing a good standard of access for walking, cycling, public and private transport modes, standard for parking and cycling facilities. The Torquay Neighbourhood Plan reinforces the guideline parking requirements contained in the Local Plan through Policy TH9 and more broadly offers support for new development proposals where they are located on or near to public transport routes wherever possible and appropriate through Policy THW5.

The site is centrally located just north of Torquay Town Centre and sits in an established urban environment characterised by residential properties and commercial activities. As a centrally located brownfield site it is considered a good location for residential development, and one that could meet the travel needs for occupiers equally, not just car owners, whilst also presenting options for sustainable modes of local travel. The development of the site for housing presents a basis for development that accords with the broad policy direction for sustainable travel patterns.

In terms of impact on the general road network there are deemed to be no significant impacts from 44 apartments in terms of capacity or congestion in the general area. Bringing the site back into a purposeful use will increase movement however any residual or accumulative impacts on the network would not be significant. It is also a material consideration that 48 apartments have been recently granted planning consent on the site and this proposal will deliver less units and thus, proportionately, would have a reduced impact to a proposal deemed acceptable on planning merit.

In terms of access the proposal retains the access arrangements granted consent under planning permission P/2020/0497, with a single vehicular and pedestrian access point off Parkfield Road, and this remains acceptable. Regarding supportive works to the highway the proposal includes enhancements to the pedestrian environment through the provision of 2 dropped crossing points across Parkfield Road, which improves connection to the wider footpath network, and enhances a section of the existing informal street parking with marked bays framed by road narrowing. These are retained as public spaces on the public highway. These associated works are secured through the previous consented scheme and promote safer travel movement and an improved pedestrian environment and their delivery should be tied to occupancy of the development by use of a planning condition.

In terms of the provision of parking and cycling facilities Policy TA3 and Appendix F of the Torbay Local Plan provides the policy context and identifies an expected requirement of 1 car parking space per apartment and appropriate visitor parking. The guidance notes also state that in flatted developments 20% of available spaces should have electric charging points and that there should be 10% of spaces suitable for disabled users.

The development provides 42 spaces within the undercroft and with a further 7 spaces within the adjacent open forecourt. This presents 45 assigned spaces for 44 units and 4 visitor spaces, one of which is a disabled space. 4 of the assigned spaces are disabled and 10 of the assigned spaces, including 2 disabled spaces, are provided with electric charging facilities. The level of parking is deemed acceptable as it accords with policy guidance and is supported by the Highway Authority. As a material consideration it is

broadly similar in the level of provision to that granted consent under planning permission P/2020/0497.

In terms of cycle parking there is safe and secure cycle parking within the undercroft and following the receipt of a more detailed layout of the space it is demonstrated that the layout offers a policy compliant provision with 59 cycle parking spaces, with adequate access and egress space for users. Visitor cycle parking should be in a legible location and secure, and it is suggested this is secured via a planning condition if not secured before.

In terms of other matters the Highway Authority has provided recent comments on the following:

- The potential for a direct pedestrian access to Lymington Road on the eastern perimeter of the should be explored.
- Clarification should be provided regarding proposed adoption status of highways within the development.
- Swept path analysis demonstrating the ability of a refuse vehicle to enter the site in a forward gear, turn safely and egress the site in a forward gear should be provided.
- An update of the Travel Plan with targets setting out how 30% of the site users will travel sustainably, with measures supporting these targets and monitoring of progress being made against them should be submitted.
- Further information regarding how emergency vehicles will enter the site given the proposals are for the site to be gated should be provided.

Dealing with these matters in turn the following position is offered on each:

Direct pedestrian access to Lymington Road was approved within the previous consent near to the 7 dwellings, just outside of the red line of this application. The applicant has however confirmed that they do not intend to deliver this access point. In terms of this proposal although the provision of an access point would provide some improved pedestrian permeability for occupants to Lymington Road and eastwards, an absence of such a provision is considered acceptable notwithstanding the Highway Authority's request for this to be explored. This is based on the limited distance for pedestrians to walk around the northern edge of the site to Lymington Road and then further east, and also that movement southwards down Lymington Road is mirrored through Parkfield Road, which itself appears a less inhospitable pedestrian environment. It is deemed that notwithstanding the Highway Authority's position of wishing for an access to be explored the proposal before members, without such an access, is considered acceptable and the absence of an access should not be an impediment to the grant of planning permission.

The applicant has clarified that the internal access and forecourt is not expected to become adopted highway and has also confirmed that private waste collection is expected for the apartments notwithstanding a statement within the Design and Access Statement, which is all aligned with the previously consented scheme. It is deemed that notwithstanding the Highway Authority's position in terms of reserving opinion at this time the issue raised should not be an impediment to the grant of planning permission.

The access, forecourt layout and the vehicle collection point for the building, is generally aligned with that approved under P/2020/0497, which was supported by swept path analysis deemed acceptable by the Highway Authority. The central area of the forecourt that provides the turning area is now actually slightly larger than the previous consented layout and hence there should be comfort that adequate turning is possible without further information being submitted. It is deemed that, notwithstanding the Highway Authority's position in terms of reserving opinion at this time, the issue raised should not be an impediment to the grant of planning permission as swept path detail is not deemed

necessary where the turning area is larger than that previously assessed as adequate. The applicant has submitted an overlay of the previous swept path on the current layout that shows unobstructed turning for waste collection vehicles.

An update of the Travel Plan can be secured by planning condition requiring detail prior to the first occupation and hence this matter should not be an impediment to the grant of planning permission. An updated Travel Plan has been submitted and is under review. Should this be considered adequate the suggested planning condition would become a compliance condition.

The gated access arrangement mirrors the detail previously approved under P/2020/0497 and there was no requirement for information on emergency vehicles. Notwithstanding this the matter has been raised with the applicant to provide some understanding and they have confirmed that in the event of an emergency breaks for residents or the emergency service open gates, and that the proposed gates will also have an override key point which fire fighters can open. Also, if the building has a power cut, the magnets on the gates release. Considering previous decision this detail is deemed acceptable and the matter should not be an impediment to the grant of planning permission.

Considering the accordance with the Development Plan and advice contained within the NPPF the proposal is considered acceptable on highway and movements grounds, and in accordance with the Policies TA1, TA2 and TA3 of The Local Plan, Policy TH9 of The Neighbourhood Plan, and guidance contained within the NPPF. The Highway Authority comments are, for the reasons above, not considered an impediment to positive grant of planning permission.

5. Ecology, Biodiversity and Trees

The NPPF provides guidance in that planning decisions should contribute to and enhance the natural and local environment and includes guidance towards minimising impacts on and providing net gains for biodiversity (Paragraph 180). The Development Plan frames similar aspirations principally through Policy NC1 of The Local Plan and Policy TE5 of the Torquay Neighbourhood Plan, the latter in terms of impacts upon any existing protected species or habitats. Policy C4 of the Torbay Local Plan Development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity role.

There is limited ecological value within the site, which is currently being redeveloped and which was previously a heavily developed urban plot dominated by buildings and hardstand.

The application is supported by an updated ecology report to the 2019 assessment that accompanied the previous application, which builds on the previous assessment and recommendations. Mitigation and enhancement measures include the following and are considered suitable to protect trees, protect protected species, and provide biodiversity enhancement measures, to accord with relevant policy guidance:

- Removal of vegetation outside of the nesting season;
- Sympathetic external lighting scheme post development;
- Tree protection areas protected from operations;
- Bat blocks, bird boxes and bee bricks provided within the buildings fabric;
- 75% of all plants should be from the RHS plants and pollinators list.

In terms of accompanying detail there is supporting detail regarding trees and no objection from the Council's tree officer subject to planning conditions for the implementation of the

recommendations and arboricultural method statements within Tree Protection Plan. There is no detailed landscape plan and therefore a planning condition would be required to establish a scheme appropriate for amenity purposes and for the expected ecological outcomes cited in the ecology report. There is a lighting plan however the detail is not supported by sufficient detail to assess whether the expected ecology outcomes are achieved. The ecology report details specific provision of 10 Bat blocks/bricks, 6 swift boxes, and no less than 4 bee bricks within the buildings' fabric, including their locations. The detail is considered suitable as part of the wider mitigation and enhancement to secure a net gain in biodiversity.

In light of the conclusions above the development is considered comfortably aligned with the aims and objectives of Policies SS8, NC1 and C4 of the Torbay Local Plan, Policy TE5 of The Torquay Neighbourhood Plan, and guidance contained within the NPPF, subject to a number of planning conditions.

6. Flood Risk and Drainage

The NPPF provides guidance towards avoiding inappropriate development in areas of flood risk by directing development away from areas at higher risk (Paragraph 165), and when determining applications seeks local planning authorities to ensure that flood risk is not increased elsewhere (Paragraph 173). The local Development Plan offers similar expectations for ensuring the risk of flooding is not increased, together with expectations that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, through Policy ER1. ER1 also outlines a hierarchy for water-flow management within new development, with similar guidance is contained within the Environment Agency's Critical Drainage Area Advice Note for Torbay.

The application site sits within the wider Torbay Critical Drainage Area as designated by the Environment Agency and there is also a linear flood risk area that partly straddles the site as it runs south following the valley floor and culverted River Feet down Teignmouth and Lymington Road towards the coast to the south.

The site has been allocated for housing within the Torquay Neighbourhood Plan which has undertaken the process of public scrutiny and is an adopted document that forms part of the Development Plan. As such the sequential test outlined within the NPPF does not need to be satisfied as part of the application process and the key tests are the developments flood resilience and safety and whether it would increase the risk of flooding elsewhere. This position is consistent with that considered under reference P/2020/0497, granted in 2021.

The surface water runoff is, as with the previous consented scheme, managed through a controlled discharge to the Public Sewer via an attenuated discharge, controlled to the equivalent to the 'greenfield' run off rate. The application is supported by a detailed Flood Risk Assessment that contains hydraulic modelling to inform the design, together with detailed surface water drainage design. These details have been considered by the Council's drainage engineer and there appears some disconnect between the modelling within the FRA, which is dated from 2020, and the drainage plans, which are dated 2023. The modelling appears historic dating from the previous consent. Resulting from this the Council's drainage engineer has advised that it cannot be confirmed whether the surface water drainage has been designed in order that there is no risk of flooding to property on the site or any increased risk of flooding to property or land adjacent to the site for the critical 1 in 100 year storm event plus allowing for climate change, and the engineers advice is that these details should be submitted before planning permission can be granted. This issue has been raised with the applicant and a response is pending. Should revised detail and a positive recommendation from the Council's drainage engineer not be established

prior to the Planning Committee's consideration of the application the recommendation is that the matter is delegated to officers to work positively with the applicant to resolve the matter. This position reflects the application being principally similar to the previously consented apartment block which was supported by an acceptable drainage solution and hence there is sufficient comfort that a technical solution is feasible, with delegation permitting an expedient progression to a formal decision should acceptable information be received.

In terms of flood risk and resilience the position and heights of the apartments have been set to respond to the risk of flooding, as with the previous consent, where the building features an undercroft with raised habitable accommodation. The Environment Agency has considered flood resilience and does not object to planning permission being granted subject to the design measures being secured by condition.

In light of the above, subject to the receipt of updated information prior to the formal grant of planning permission, that confirms that the proposed system would not increase the risk of flooding, the proposal is deemed acceptable on flood risk and surface water drainage grounds, in accordance with Policies ER1 and ER2 of the Torbay Local Plan and advice contained within the NPPF.

7. Low Carbon Development and Climate Change

The NPPF guides that the planning system should support the transition to a low carbon future in a changing climate, including helping to shape places in ways that contribute to radical reductions in greenhouse gas emissions, and support renewable and low carbon energy and associated infrastructure (Paragraph 157).

Policy SS14 of the Torbay Local Plan supports national guidance and seeks major development to minimise carbon emissions and the use of natural resources, which includes the consideration of construction methods and materials. Policy ES1 seeks that all major development proposals should make it clear how low-carbon design has been achieved, and that proposals should identify ways in which the development will maximise opportunities.

The submitted Design and Access Statement includes an Energy Statement section that is commensurate with the detail submitted and approved under the previous consent P/2020/0497, outlining measures under the "Be Lean, Be Clean, Be Green" strategy. This includes design measures around ceiling heights, high levels of thermal insulation, low fabric air permeability, high levels of natural light to apartments, the use of energy efficient LED light fittings and controls, individual high efficiency gas condensing boilers, provision of electric car charging points and cycle parking facilities. In terms of the construction methodology the statement covers measures such as using existing concrete or recycling it as hardcore for a base material, the use of timber frame construction, a renewable resource that is 'carbon positive' compared to masonry or steel alternatives and is recyclable at 'end of life', building methods to reduce material use.

Considering the detail is commensurate with that previously approved the proposals are considered suitable for approval subject to satisfactory condition to secure the measures outlined within the applications Energy Statement. The development is in accordance with Policy SS14 and ES1 of the Torbay Local Plan and advice contained within the NPPF.

8. Contamination

The NPPF guides that planning decisions should ensure that sites are suitable for the proposed use taking account of ground conditions and any risks arising from land instability

and contamination (Paragraph 189). Policy ER3 of the Torbay Local Plan provides policy expectations aligned with the NPPF in that development must take into account environmental considerations and appropriate investigations made, and development will need to demonstrate that any contamination can be satisfactorily overcome without risk to health.

The site has held former commercial uses and as a material consideration the recent planning consent P/2020/0497 for residential use contained supporting technical information and was subject to planning conditions for compliance with a Remediation Scheme to ensure the land isn't classed as contaminated following development and for the requirement to submit a verification report prior to the first occupation of each phase of the development.

The current application is supported by the previous geotechnical assessments together with additional detail submitted to respond to the previous condition requirements. The detail has been considered by the Council's Senior Environmental Health Officer and the Environment Agency. Neither raise concerns or objections in terms of risks from contamination.

Considering the advice received the proposal is considered suitable for planning approval subject to conditions, in accordance with Policy ER3 of the Torbay Local Plan and guidance contained within the NPPF.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn:

The Economic Role

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. The development would see the use of an empty site that is allocated for housing. Once the development is occupied there would be an increase in the level of disposable income from the occupants some which would be likely to be spent in the local area and an increase in the demand for local goods and services.

There are no adverse economic impacts that would arise from this development. In respect of the economic element of sustainable development the balance is considered to be in favour of the development.

The Social Role

The principle social benefit of the proposed development would be the provision of additional housing. Given the NPPF priority to significantly boost the supply of housing the additional dwelling to be provided must carry significant weight in this balance.

The site has not been used for some time and the provision of housing would provide an appropriate use and offer units within a sustainable location. On balance, the social impacts of the development weigh in favour of the development.

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered especially relevant to the proposed development are impacts on ecology and biodiversity, contamination, drainage and carbon reduction. These matters have been considered in detail above.

The environmental benefits identified are marginal in the case of any biodiversity net gain, addressing contamination, and mitigating flood impacts. There is an environmental benefit to providing residential units within a sustainable location where dependency on car use could be limited even with parking provided.

It is concluded that the environmental impacts of the development weigh neutrally or slightly positively within the planning balance.

Sustainability Conclusion

Having regard to the above assessment the proposed development is considered to represent sustainable development.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. 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.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Local Finance Considerations

Affordable Housing

Policy H2 of the Torbay Local Plan identifies that as a brownfield site with a scheme of over 20 dwellings 20% affordable housing, usually provided on site, should be provided. For a scheme of 44 dwellings this equates to an affordable housing provision of 9 units to provide a policy compliant development.

Similar forms of development have recently been supported by viability detail that was agreed rendered the developments unviable with affordable housing being delivering. On these occasions there was agreement to grant consent with a deferred obligation should the development become more viable than expected.

The proposal replicates the form of development previously assessed and consented with a deferred obligation for affordable housing with the only substantial change being the reduction in unit numbers from 48 apartments to 44 apartments, i.e. providing fewer but slightly larger units on the uppermost floor. Considering the recency of this previous assessment and conclusion and the fact that a similar form of development with slightly

fewer units is unlikely to present any demonstrable impact on previous viability conclusions, it is deemed reasonable to accept the revised findings of the viability report submitted and again secure a deferred obligations clause via a Section 106 legal agreement to secure policy compliance and compliance with the Council's adopted Planning Contributions and Affordable Housing SPD.

The recommendation to Members is aligned with the conclusions above, that any grant of planning permission be accompanied by a S06 legal agreement for deferred affordable housing obligations.

CIL

The application is for residential development in Zone 1 where the Community Infrastructure Levy (CIL) is £30 per square metre of additional gross internal floor area created.

The development is (again) CIL liable however consideration will be given to the previous CIL requirements established under the previous consent P/2020/0497 for a similar sized building.

S106

As CIL liable development the application is not subject to "sustainable development" obligations as identified within the Council's Adopted Affordable Housing SPD and hence it is not appropriate to seek obligations to counter potential pressure upon schools or parks etc. It would however be necessary to secure site acceptability matters where it is needed to make the development acceptable in planning terms.

Funding for necessary highway works under a Traffic Road Order has been secured under the previous consent and hence are not required under this application.

The previous development was subject to a clause within the S106 legal agreement to secure loss of employment obligations where it was found that the site has been within recent use and where it was found viable (after delivering the policy compliant level of Affordable Housing). As previously concluded though the site clearly appeared disused for a number of years and on this basis it was not expected that loss of employment obligations would be relevant and necessary.

EIA/HRA

EIA: Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development. The development does not meet the thresholds for screening and is not in a sensitive area.

HRA: Due to the scale, nature and location this development is not considered to have a likely significant effect on European Sites.

The application site is not within a strategic flyway/sustenance zone associated with the South Hams SAC and a formal HRA screening is not necessary in this instance as the proposed development is unlikely to have a significant effect on the South Hams SAC.

The proposal presents a controlled discharge that mimics greenfield runoff rates into the Public Sewer, which will minimise impacts upon outfall flows and any potential impact up the marine candidate SAC, in-line with Policy ER2.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme in terms of addressing the Development Plan aspiration to provide housing would produce a significantly positive impact overall and help with the supply of much needed housing.

Conclusions and Reasons for Decision

The proposal is considered a good use of a redundant brownfield site that is allocated for housing and would provide much needed housing to help meet local need, which is a significant public benefit.

The proposal will provide an acceptable standard of accommodation that is in a sustainable location with good local access to shops, facilities, schools, sustainable transport modes, and local parks.

The access and parking is considered acceptable, being largely aligned with what was supported within an extant consent as a material consideration.

The scale and design of the building is considered acceptable and will present a building form very similar to that previously consented.

The proposed development is considered to represent sustainable development and is acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, the NPPF, and all other material considerations for the reasons stated within this report, including the recent development granted under P/2020/0497.

Consideration of the application of the presumption in favour of sustainable development (NPPF Paragraph 11) offers that developments proposals that accord with an up-to-date development plan should be approved without delay. Where out-of-date planning permission should be granted unless policies within the NPPF regarding protected areas or assets of particular importance provides a clear reason for refusing the development proposed, or where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. There is no impact or harm to protected areas or assets of particular importance, and there are no adverse impacts that significantly and demonstrably outweigh the benefits of the development.

Officer Recommendation

Approval: Subject to;

1. Receipt of revised surface water drainage detail to the satisfaction of officers.
2. The conditions as outlined with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency.
3. S106 legal agreement to secure deferred obligations as identified.
4. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Conditions

Construction Management Plan

Within two months of the date of approval a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in full accordance with the approved details.

Reason: In the interests of highway safety and local neighbour amenity, in accordance with Policy TA2 and DE3 of the Torbay Local Plan 2012-2030

Hours of Construction

Hours of operation throughout the construction phase shall be between 08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and at no time on Sundays and Bank Holidays.

Reason: In the interests of local amenity in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

Contamination

Prior to the first occupation of the development a verification report regarding contaminated land remediation shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy ER3 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

FRA / Drainage

The development shall be carried out in accordance with the submitted Flood Risk Assessment (9th April 2020 Aqua tech) and the following mitigation measures it details:

- Finished Floor Levels (FFLs) shall be set no lower than 38.6 metres and 40.6 meters above Ordnance Datum (AOD) as shown in Foul and Surface Water Drainage Layout AT2323 drawing 11,
- External Flood Routing shall be in accordance with Drainage Layout AT2323 drawing 11 to route any exceedance flows away from the buildings,
- Safe Access and Egress shall be provided to higher ground via open footbridge to Parkfield Road.

These mitigation measures shall be fully implemented prior to occupation of the development and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

The approved surface water drainage scheme shall be implemented in full prior to the first occupation of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure safe access and egress from the development during an extreme flood event, in the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030 and guidance contained in the NPPF.

Tree Protection Measures

The tree protection measures outlined in approved plan 01528 TPP 28.02.2020.a shall be implemented in full and shall be maintained in full throughout the construction phase of the development.

Reason: In order to ensure against harm to mature trees within the vicinity of the development either directly or to their rooting system, in accordance with Policies DE1 and C4 of the Torbay Local Plan 2012-2030.

Tree Protection / Arboricultural Method Statement

Throughout the construction phase the implementation of the recommendations and arboricultural method statements within Tree Protection Plan Ref: 05123 TPP AMS 24.3.22. shall be adhered to.

Reason: In order to ensure against harm to mature trees within the vicinity of the development either directly or to their rooting system, in accordance with Policy C4 of the Torbay Local Plan 2012-2030.

Highway Works

Prior to the first occupation of the development all necessary legal agreements shall have been made with the Local Highway Authority in respect to the proposed highway works, including the improved crossing works to the highway. The agreed works shall be implemented in full prior to the first use of the development.

Reason: To secure all necessary works to the public highway in order to ensure highway safety is maintained and network impacts are adequately managed, in accordance with Policies TA1 and TA2 of the Torbay Local Plan and advice contained within the NPPF

External lighting

Prior to the first use of the development an external lighting plan, including security lighting, which seeks to ensure no undue impact upon adjacent occupiers or wildlife habitats, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall proceed in full accordance with the approved lighting plan and no additional external lighting shall be incorporated within the development during its lifetime.

Reasons: In order to protect visual amenity and the amenity of adjacent occupiers by maintaining a satisfactory form of development in accordance with Policies DE1, DE3 and NC1 of the Torbay Local Plan 2012-2030.

Low Carbon Development

The measure outlined within the submitted and approved Energy Statement (Design and Access Statement shall be implanted in full and maintained through the lifetime of the development

Reason: In the interests of sustainable development and in accordance with Policies SS14 and ES1 of the Torbay Local Plan 2012-2030 and the NPPF.

Secured by Design

Prior to the first use of the development evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the design of the development meets Secured by Design standards as far as practicable.

Reason: In the interests of crime prevention in accordance with Policy DE1 of the Torbay Local Plan and Policy TH2 of the Torquay Neighbourhood Plan.

Boundary Treatments / Means of Enclosure

Prior to the first use of the development details of all boundary treatments, gates and retaining structures shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in full accordance with the approved detail and the boundary treatments shall be retained as approved at all times during the lifetime of the development. No additional or alternative means of enclosure shall be provided at any time.

Reason: In the interests of design and visual amenity, in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan.

Ecology - Nesting season

The removal of vegetation shall be undertaken outside of the bird nesting season (March-September inclusive). If not practicable demolition and/or vegetation removal shall be undertaken only immediately following an inspection of the site by a suitably qualified ecologist to confirm the absence of nesting birds. If nests are found, works shall be undertaken until the birds have

fledged and a buffer zone of at least 5 metres must be established around the nest and an effective barrier put in place to ensure this remains undisturbed.

Reason: To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and the NPPF.

Ecology – Biodiversity Enhancement

Prior to the first use of the development the measures to enhance biodiversity in and around development, as detailed within the submitted and approved ecology report, in order to deliver a net gain for biodiversity, shall be implemented in full and maintained thereafter.

Reason: To ensure the development positively incorporates biodiversity features proportionate to its scale, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

Landscaping

Prior to the first occupation of the development a detailed hard and soft landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape plan shall positively address the loss of the Category B Trees.

The approved hard surfacing shall be implemented prior to the first use and the approved soft landscaping shall be implemented in full within the first available planting season following the first occupation of the development.

In the event of failure of any trees/plants, planted in accordance with any approved scheme, to become established and to prosper for a period of 5 years from the date of the completion of implementation of that scheme, such trees/plants shall be replaced in the next planting season and maintained in accordance with the approved maintenance plan.

Reason: In the interests of visual amenity and in accordance with Policies DE1, SS8 and C4 of the Torbay Local Plan 2012-2030 and Policies THW4 and TH8 of the Torquay Neighbourhood Plan.

Landscape and Ecological Management Plan (LEMP)

The development shall proceed in full accordance with the submitted and approved Landscape and Ecological Management Plan (LEMP). All post-construction site management shall be undertaken in accordance with the LEMP.

Reason: To secure a satisfactory form of development in accordance with Policies DE3, SS8, C4 and NC1 of the Torbay Local Plan 2012-2030 and THW4 of the Torquay Neighbourhood Plan.

Obscure Glazing

Prior to the first occupation of the associated apartment all obscure glazing for that apartment, as indicated on the plans hereby approved, shall be implemented in full to a level at least equivalent to Pilkington Level 3. All obscure glazing shall be retained in full for the lifetime of the development.

Reasons: In order to protect neighbour amenity in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030, Policy TH8 of the Torquay Neighbourhood Plan and advice contained within the NPPF.

Parking Provision

Prior to the first use of the development the parking facilities hereby approved shall have been provided in full unless a phasing plan for the provision has been submitted and approved pursuant to this condition, including the provision of the demarked disabled spaces, demarked visitor spaces, and identified electric charging facilities. These elements shall thereafter be retained as parking facilities for the life of the development.

Reason: To secure an appropriate form of development in accordance with Policy TA3 of the Torbay Local Plan 2012-2030.

Cycle Provision

Prior to the first occupation of the apartment building the cycle storage facilities, as detailed within the approved plans, shall be completed and made available for the purpose of cycle storage to serve the development, and prior to the occupation of each dwelling the cycle storage facilities for that dwelling shall be completed and made available for the purpose of cycle storage to serve the dwelling. Once provided, the storage arrangements shall be retained for the life of the development for such purposes.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and TA3 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan 2012-2030.

Visitor Cycle Parking

Prior to the first occupation of the apartment building a scheme for visitor cycle parking, located in a legible area of the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed and made available for the purpose of visitor cycle parking to serve the development prior to the occupation of the apartment building and shall be retained for the life of the development for such purposes.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and TA3 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan 2012-2030.

Waste Provision

Prior to the first occupation of the apartment building the waste and recycling storage facility, as detailed within the approved plans, shall be completed and made available for the purposes of waste storage to serve the building. Once provided, the agreed storage arrangements shall be retained for the life of the development. The waste storage areas for each dwelling shall be completed and made available for each dwelling prior to its first use and maintained thereafter.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and W1 of the Torbay Local Plan 2012-2030.

Waste Management Plan

Prior to the first occupation of the development a Waste Management Plan for the building, setting out recycling and waste collections methods which follow the waste hierarchy to ensure locally established recycling targets at the that time are met, together with measures to review and respond to evolving targets, shall be submitted to and approved in writing by the Local Planning Authority. The approved WMP shall be implemented prior to the first occupation of the building and maintained at all times thereafter as a working document and strategy for the lifetime of the development.

Reason: To ensure that the private waste collection strategy for the apartment building, which will not receive waste collection from the local authority due to the distance of the collection point from the adopted highway network, accords with locally established recycling rates, to accord with Policies W1 and W2 of the Torbay Local Plan.

Travel Plan

Notwithstanding submitted detail prior to the first occupation of the development a revised Sustainable Travel Plan that seeks to meet Policy requirements of a 30% modal shift to foot, cycle and public transport, with appropriate mitigation measures should these targets not be met, shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in full accordance with the approved detail.

Reason: To ensure sustainable travel modes are duly promoted and healthy lifestyles promoted, in accordance with Policies TA1, TA2, DE1 and SC1 of the Torbay Local Plan 2012-2030.

Ancillary equipment

No equipment, signage or plant shall be located on the roof, walls or in the grounds of the development hereby permitted (other than those indicated on the approved plans) unless otherwise approved in writing by the Local Planning Authority, including air conditioning units, extraction equipment, aerials, tanks, satellite dishes and external lighting.

Reason: In the interests of the visual and general amenities of the area and in accordance with Policy DE1 and DE3 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan.

Informative(s)

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

Development Plan Relevant Policies

SS1 - Growth Strategy for a prosperous Torbay
SS3 - Presumption in favour of sustainable dev
SS8 - Natural Environment
SS9 - Green Infrastructure
SS10 - Conservation and the historic environment
SS11 - Sustainable Communities Strategy
SS12 - Housing
SS13 - Five Year Housing Land Supply
SS14 – Low carbon development and adaption to climate change
SC1 – Healthy Bay
TA1 - Transport and accessibility
TA2 - Development access
TA3 - Parking requirements
C4 - Trees, hedgerows and natural landscape
H1 - Applications for new homes
HE1 - Listed buildings
DE1 - Design
DE3 - Development Amenity
DE4 – Building heights
ER1 - Flood Risk
ER2 - Water Management
ER3 – Contamination
ES1 – Energy
W1 - Waste management facilities
W2 – Waste Audit for major and significant waste generating development
NC1 - Biodiversity and geodiversity

TS1 - Sustainable Development
TS4 - Support for Brownfield and Greenfield development
TH1 – Housing allocations
TH8 - Established architecture
TH9 - Parking facilities
TE5 - Protected species habitats and biodiversity
TH2 - Designing out crime
TTR2 - Sustainable Communities
THW3 – Community facilities
THW4 - Outside space provision
THW5 - Access to sustainable transport

Application Site Address	Quintaville Residential Home 1 Quinta Road Torquay TQ1 3RJ
Proposal	Demolition of former care home and replacement with block of 14 apartments with associated parking (readvertised following the receipt of revised plans on 9 October 2023).
Application Number	P/2023/0327
Applicant	Harmony Homes 2020 Ltd
Agent	Kay Elliott Architects
Date Application Valid	31.05.2023
Decision Due Date	30.08.2023
Extension of Time	31.01.2024
Recommendation	Approval: Subject to; <ul style="list-style-type: none"> 1. The conditions as outlined, with final drafting delegated to the Divisional Director of Planning, Housing and Climate Emergency. 2. Legal agreement to secure a Sustainable Transport Obligation of £3,440. 3. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.
Reason for Referral to Planning Committee	Major Development
Planning Case Officer	Scott Jones



Site Details

The site sits on the junction of Quinta Road and Reddenhill Road and holds a three-storey building that was previously in use as a care home. The use ceased approximately 5 years ago.

The existing building is L-shaped and addresses the two adjacent public highways, set behind a low stone wall with the small intervening area of landscaping to the front. The lower two floors are rendered with casement windows, the third floor has a mansard roof inset with several windows.

The building is attached to the southwest to Number 37 Reddenhill Road via a two-storey flat-roofed element that intersects the adjacent pitched roof of this two-storey pitched roof end-terraced property. To the southeast the plot has a vehicular access to a small section of hardstand. Adjacent to the southeast is a private lane which also provides pedestrian access to a small courtyard area to the rear of the building.

In terms of wider context the area has a largely residential character, there are allotments to the south and east in walkable distance, and various public parks are accessible, along with shopping areas to the northwest (Plainmoor) and northeast (Reddenhill Road).

In terms of site specific designations the site is identified within the Torquay Neighbourhood Plan as a potential housing site under Policy TH1 (Housing Allocations), site reference TNPH10.

Description of Development

The proposal is for the demolition of the existing building and redevelopment of the site to provide 14 apartments within a three-storey L-shaped building, with parking and waste storage to the rear together with integrated cycle parking.

The accommodation will present 1 x 3-bed apartment, 9 x 2-bed apartments and 4 x 1-bed apartments, with 5 units within the ground floor and first floor, and 4 units within the second floor. Internal access is served by stairs and a lift.

The building form is flat roofed, bricked finished, with staggered building lines to the two main elevations that present infill terraces or balconies to 11 of the 14 apartments, and a recessed connection with adjacent attached dwelling. Windows are presented uniformly and with a vertical emphasis. Integrated cycle parking is provided to the side adjacent to the communal entrance into the building. To the rear of the building a forecourt presents 10 car parking spaces and waste storage area. The front boundary wall to the plot is retained and landscaping is proposed between the building and the plots boundary to Quinta Road and Reddenhill Road.

Relevant Planning 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")
- The Adopted Torquay Neighbourhood Plan (TH1)

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Published standing Advice

Relevant Planning History

P/2003/1712/OA: Outline: Demolition of existing residential care home and erection of 15 self-contained flats with vehicular & pedestrian access. Approved.

P/2006/1374: Reserved Matters: Demolition of residential care home and erection of 15 self-contained flats with vehicular/pedestrian access. Approved.

Summary of Representations

6 objections received all citing concern on the current pressure on street parking in the area and the lack of adequate parking within the scheme, with only 10 spaces for 14 apartments. There was also comment on the lack of detail on electric charging facilities. One comment includes support for the redevelopment of the empty site subject to policy compliant parking being provided.

Summary of Consultation Responses

Torquay Neighbourhood Forum

No comments.

Torbay Council Adult Social Care Strategic Commissioning Team

No objections or concerns regarding the loss of this former care home and the subsequent redevelopment of the site for housing.

Strategic Planning

There is a significant housing need in Torbay and there is a general need to use brownfield land efficiently and to maximise the housing yield from sustainably located urban sites. The use of this site for housing is supported in principle, and the tilted balance in terms of Paragraph 11 of the NPPF is applicable.

The site is allocated for 10 homes as part of Torquay Neighbourhood Plan allocation, which is an approximate number of homes that can be delivered on the site and not a maximum, and hence 14 apartments itself does not conflict with Policy TH1.

The loss of the care facility is considered to accord with Policy H6 given that (i) the site is allocated for housing in the Torquay Neighbourhood Plan, (ii) the care home at the site ceased operating some time ago, and that (iii) the Housing LIN study on housing for later life in Torbay identified an oversupply of substandard care accommodation and a need to provide better, purpose-built accommodation that offers specialist facilities.

The proposal includes 10 on-site car parking spaces for 14 apartments, which is below policy expectations. The site is located in an area with pressure on on-street parking. In order to mitigate the impacts of this under-provision, sustainable transport obligations should be sought as a site deliverability matter in terms of the Planning Contributions and Affordable Housing SPD 2022. In accordance with Table 4.2, an amount of $4 \times \text{£}860 = \text{£}3,440$ should be sought to fund infrastructure improvements to the sustainable transport network.

The site is in CIL Charging Zone 2 and is therefore CIL liable at £70 per sq. m.

In order to ensure an appropriate level of amenity for future residents and for neighbouring occupiers, it is recommended that, if the application is supported, a condition of approval be included removing permitted development rights for change of use of the apartments to Class C4 HMOs.

Highway Authority (SWISCo)

The submitted parking survey satisfactorily shows that there is sufficient available street parking in the area and demonstrates that the deficiency in parking facilities on site can be sufficiently accommodated within the surrounding road network. Recent public comment regarding certain detail in the survey does not alter this position.

The additional information provided by the applicant has resolved the previously raised concerns regarding the provision of an accessible car parking space, cycle parking and appropriately located bin stores (Revised comments 11.12.2023).

Having reviewed the revised parking layout and swept path analysis the design for the proposed car parking layout provided by the applicant is now satisfactory (Addendum comments 20.12.2023).

All highway matters can now be considered resolved.

Drainage Engineer (Torbay Development Agency)

Further to the email dated 11th September 2023 attaching revised details for the surface water drainage at the above development, I can confirm that providing the surface water drainage is constructed in accordance with the submitted hydraulic design and drawings, I have no objections on drainage grounds to planning permission being granted.

Devon County Council Ecologist

No objections following the receipt of further information on the lighting. Conditions recommended in respect to accordance with the submitted ecology report, including bird nesting and bat box provision, no clearance or demolition within the bird nesting season unless advised by a qualified ecologist, and low transmission glazing.

Torbay Council Community Safety Officer

No objection, subject to the inclusion of a Construction/Demolition Management Plan condition.

Police Designing Out Crime Officer

From a designing out crime, fear of crime and anti-social behaviour perspective respectfully ask that conditions are considered regarding the development following the practices and principles of Secured By Design Homes guide 2023, a visitor door entry system being installed (that allows for residents to clearly identify visitors prior to granting access from their own property), an access control system be installed which allows for residents to gain entry into their property via an electronic key or similar.

In addition, any cycle parking should be lockable, and it is offered that vertical bicycle racks may be difficult to use. Suggest further detail of the cycle provision is shared. Waste areas should be lockable to prevent anti-social behaviour. Boundary fencing should be designed and located to prevent climbing/access opportunities.

The limited amount of vehicle parking is a concern for the property given it appears that there will be 10 spaces for 14 properties. Consideration will need to be given on how these will be allocated to prevent conflict over parking, with the limited spaces this may mean that residents have to park elsewhere, which could cause conflict.

South West Water

The applicant should demonstrate to the Local Planning Authority that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of Development
2. Design and Visual Impact
3. Residential Amenity
4. Highways and Movement
5. Ecology
6. Flood Risk and Drainage
7. Low Carbon / Climate Change
8. Secure Design

1. Principle of Development

The site is a disused brownfield site located in the established urban area of Torquay, sitting in an area where there is a strong residential character, whilst being relatively close to designated local centres offering access to shops, services, and transport options.

National guidance contained within the NPPF presents clear support for the principle of using land effectively to meet the need for homes and guides that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. It also promotes support for the development of under-utilised land and buildings, especially where proposal would help to meet identified needs for housing (Paragraph 124).

In terms of the local Development Plan the principle of residential development is supported considering the sites brownfield character and its well-located urban location. Central guidance is offered in Policies SS3, SS12 and H1 of the Torbay Local Plan, supporting proposals for new homes in the built-up area (subject to wider policy consistency) and promoting the re-use of brownfield land, and the need to provide homes and meet housing needs. In terms of the Torquay Neighbourhood Plan Policy TS4 also offers broad support for development proposals for brownfield sites, providing there are no significant adverse impacts, again having regard to other policies in the plan.

In terms of site-specific policy guidance relevant to the principle of redevelopment the site is identified within the Torquay Neighbourhood Plan as a potential housing site under Policy TH1 (Housing Allocations), site reference TNPH10. This presents clear support for the principle of housing on the site.

In terms of the loss of the site/building as a care facility Policy H6 of the Local Plan provides the central policy steer, which guides that proposals will be supported where the facilities are not needed, or it does not represent the most appropriate way of delivering care. The policy furthers that where such a change of use is agreed, the creation of family homes will be encouraged. The care facility has been closed for 5 years and previously presented a 23-bed facility within a very restricted site with no demonstrable grounds or outdoor space for occupants. Considering that the site is allocated for housing in the Torquay Neighbourhood Plan and the proposal delivers (small) family homes, that the care home has not operated for a significant amount of time, and that there is an identified oversupply of substandard care accommodation in Torbay, the loss of the care use is considered acceptable and in accordance with the provisions of Policy H6. It is noted that Adult Social

Care Strategic Commissioning Team do not object to the loss of this former care home and Strategic Planning Team consider the loss compliant with Policy H6, which supports the conclusions offered above.

For the reasons above the principle of the change of use is considered to be comfortably aligned with national guidance contained within the NPPF and aligned with the aspirations of the Development Plan, specifically in regard to the aims and ambitions of Policies SS3, SS12, H1 and H6 of the Torbay Local Plan and Policies TS4 and TH1 of the Torquay Neighbourhood Plan.

It is also relevant to note that the Council is currently falling short of a 3 and 5-year housing land supply and that the proposal would make a moderate contribution to this shortfall being addressed as a windfall brownfield development. The application of the 'tilted balance' in favour of sustainable development is a material policy consideration as identified by the NPPF in this circumstance (Paragraph 11). However, as cited above, the principle of residential is supported for the reasons stated. The 'tilted balance' guides towards granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.

2. Design and Visual Impact

Achieving good design runs through national guidance where the NPPF outlines that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development (Paragraph 131). Guidance furthers that developments should be visually attractive, by sympathetic to local character (whilst not preventing or discouraging innovation) and maintain a strong sense of place (Paragraph 135). Similar design expectations are engrained within the Development Plan through Policies SS11, DE1 and DE4 of the Torbay Local Plan and TH8 of the Torquay Neighbourhood Plan.

The existing building frames a busy and prominent junction which is positive in urban design terms. However, beyond this the building offers little value to the local built environment due to its general form, the existence of deleterious extensions and attachments, which include a very awkward forward junction of the two-storey flat-roofed element with the adjacent terrace and an unfortunate utilitarian staircasing forward of the main building line to Quinta Road, and through the buildings deteriorated state. The demolition of the building is supported where it presents opportunity for enhancement of the local built environment as the building itself holds little value.

Turning to the proposal the redevelopment seeks to replace the existing building with a modern apartment building of a broadly similar size. The building lines to Quinta Road and Reddenhill Road draw closer to the public highway whilst seeking a set-back distance that suitably reflects the adjacent attached terrace. The revised building lines are considered acceptable in the context. In terms of scale and height the proposed 3-storey building broadly reflects the existing building, which itself is predominantly 3-storeys. The proposed building is 0.3m higher than the existing but presents a uniform height, compared to the existing building which steps down to 2-storeys where it links to the terrace on Reddenhill Road. This presents an additional height of 2.75m in the area of the existing flat roof, however the additional scale is mitigated by a significant step-back in the upper floor of 2.6m. This softens the transition in building heights when viewed from either approach along Reddenhill Road and presents a satisfactory arrangement with the terrace. In terms of form and detailed design a modern flat-roofed building is supported in principle notwithstanding the predominantly pitched roof character, where it offers the opportunity to present a bold statement building on a corner plot, and where there are interspersed flat roofed buildings more widely that generally integrate comfortably with the more predominant pitched

character. In terms of elevation detail the two principal elevations present staggered building lines and a pleasantly uniform vertical glazing arrangement, which combine to break up the scale of the building and offer a good level of visual interest. The building lines and vertical glazing echo the bay detail and glazing of the adjacent terraces, which is deemed a positive reflection of local context. The material finish has been amended from render to brick which will present a more robust material that is less likely to visually degrade on what is a prominent corner plot. The choice of brick echoes the stone found locally within larger public buildings, some terraces, and prevalent within boundary treatments, and is considered acceptable.

In terms of layout and landscaping the parking is suitably screened from the public realm by being located to the rear of the building. As the rear of the plot is currently a hard landscape, and as there is rear garages as part of the immediate context accessed via the adjacent lane, the positioning of the parking is considered a suitable design outcome. Landscaping within the plot is currently limited to a linear wraparound element, which will be reproduced within the proposed layout. A planning condition to secure an appropriate planting detail should be attached to any grant of planning permission.

All matters considered the form and overall character of the building is considered positive, where it would present a suitably scaled and well-detailed building for its context, one that is uncluttered yet attractive, and one which adequately acknowledges local character. When considering policy guidance, the proposal is deemed to be in accordance with Policies DE1, DE4 and SS11 of the Torbay Local Plan, TH8 of the Torquay Neighbourhood Plan, and is aligned with the guidance contained in the NPPF in terms of good design.

3. Residential Amenity

The NPPF guides that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (Paragraph 135).

The Torbay Local Plan contains policy guidance aligned with the aspirations of the NPPF, principally through policies SS11, H1 and DE3, towards ensuring that residential development produces high-quality living environments that present a good level of amenity for future users and neighbouring occupiers. Policy DE3 also identifies size standards for self-contained units, which reflect national space standards.

In terms of location the suburban setting is close to the shopping areas of Plainmoor and Reddenhill Road is considered positive for the future use and well suited to a residential occupancy moving forward, presenting good opportunities for future occupants in terms of access to services, facilities and sustainable transport options, which is all positive.

In terms of the proposed units the proposed building will deliver 1x3-bed, 9x2-bed and 4x1-bed apartments ranging in size from 50sqm for the smaller units to 98sqm for the largest unit. All units meet or exceed the minimum National Space Standards, which are also engrained within Policy DE3 of the Torbay Local Plan, and key living spaces are also generally well scaled and proportioned and offered good levels of natural lighting. These aspects are positive influences in terms of future amenity levels for occupiers.

In terms of outdoor amenity space guidance is offered in Policy THW4 of the Torquay Neighbourhood Plan and Policy DE3 of the Torbay Local Plan, with a consistent expectation that flats or apartments should no less than 10sqm per unit either privately or communally. Most apartments within the scheme (11 out of 14) would benefit from some degree of outdoor space, either from access to the front landscaping area and private terraces, or private

balconies, albeit where the private areas are not to the scale expected by the Development Plan Policies. Most balconies and terraces being circa 3sqm in size however these elements are however positive and would enhance the good quality internal residential environments. When considering the proximity to a number of public open spaces (open space and urban woodland to the southeast at the end of Quinta Road, Walls Hill and Babbacombe Downs close by to the northeast, and the Cary Park greenspaces to the north), the provision is considered acceptable in this particular context. Hence, notwithstanding policy guidance on size of spaces within the Development Plan, the provision is considered acceptable within the wider assessment of the expected future occupier amenity levels achieved.

In terms of key ancillary elements cycle parking, which has been enhanced through revised plans, is to be provided in a safe and secure facility to the side of the building near to the entrance at a level in accordance with policy guidance (1 space per apartment) and visitor cycle parking is proposed opposite the entrance to the building aside the boundary wall. The revised cycle parking is considered adequate. In terms of waste there is an assigned storage area within the car park court that presents sufficient storage space for the necessary bins within adequate distance for occupiers to use.

In terms of impacts upon adjacent occupiers the proposed use is comfortably aligned with the established residential character of the area and such a use would generally not impact adjacent buildings and occupiers. In terms of light and outlook adjacent properties would not be unduly impacted as the development generally replicates the existing building in terms of footprint and scale. There is some change to the building's element adjacent to the attached terraced property, however impacts are reduced through a staggered building line and when appreciating that the adjacent side-facing window is a secondary window that is of lesser sensitivity. In terms of privacy there would no undue impacts on wider neighbours due to the distances between windows and an arrangement that broadly replicates the existing context.

Having regard to the amenities provided within the proposal for future occupants and the future relationship of the development with adjacent plots and neighbouring occupants, the scheme is considered sufficiently aligned with the aims and objectives of Policies SS11, DE1 and DE3 of the Torbay Local Plan, Policy THW4 of the Torquay Neighbourhood Plan and guidance contained within the NPPF.

4. Highways and Movement

The NPPF guides that appropriate opportunities to promote sustainable transport modes should be ensured, and that safe and suitable access to the site should be achieved for all users (Paragraph 114). It also furthers that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (Paragraph 115).

Development Plan objectives align with the aspirations of national guidance with principal guidance within Policies TA1, TA2 and TA3 of the Torbay Local Plan encompassing outcomes for developing a sustainable model of transport, providing a good standard of access for walking, cycling, public and private transport modes, standard for parking and cycling facilities. The Torquay Neighbourhood Plan reinforces the guideline parking requirements contained in the Local Plan through Policy TH9 and more broadly offers support for new development proposals where they are located on or near to public transport routes wherever possible and appropriate through Policy THW5.

The site's suburban location is considered a good location for residential development and one that could meet the travel needs for occupiers equally, not just car owners, whilst also presenting options for sustainable modes of local travel for all. The development of the site

for housing presents a basis for development that accords with the broad policy direction of supporting proposals that can offer or promote sustainable travel patterns.

In terms of impact on the general road network there are deemed to be no significant impacts from 14 apartments on a site that currently holds a 23-bed care home (albeit currently closed) in terms of capacity or congestion in the general area. Bringing the site back into a purposeful use will increase movement however any residual or accumulative impacts on the network would not be significant.

In terms of access the proposal presents a single vehicular access point off Quinta Road at the eastern edge of the site furthest away from the junction of Quinta Road with Reddenhill Road, which is deemed safe and suitable and is supported by the Highway Authority.

In terms of the provision of car parking and cycle parking facilities Policy TA3 and Appendix F of the Torbay Local Plan provides the policy context, which is supported by Policy TH9 of the Torquay Neighbourhood Plan. Appendix F identifies an expected requirement of 1 car parking space per apartment and appropriate visitor parking. The guidance notes also state that in flatted developments 20% of available spaces should have electric charging points and that there should be 10% of spaces suitable for disabled users. The proposal delivers 10 parking spaces which falls short of 14 expected in policies TA3 and TH9, with the 4 1-bed apartments not being assigned a parking space on site. In mitigation the site has relatively good connections to services for a non-town centre location, being close to both Plainmoor and Reddenhill shopping Areas. In addition, following a request from the Highway Authority the application is supported by a parking survey that has positively demonstrated that there is sufficient street parking capacity within close proximity of the site in order to not present an undue impact from additional pressures. That said there is public concern over the lack of parking and the likely impact on what are stated as already congested roads. In terms of mitigation the Council's Strategic Planning Officer has requested a Sustainable Transport financial obligation to fund improvements to non-car movement infrastructure in the area, which has been agreed in principle with the applicant. Finally, it is also a material consideration that the current use appears absent of any form of parking facility for staff or visitors with what appears to be a small single-space pull-in off Quinta Road present. It is hence reasonable to consider that the former use would have presented some form of parking pressure locally and that would be true of the development was retained and re-opened.

With all matters considered it is deemed that the development would not present undue impact upon street parking in the area and the level of parking is deemed acceptable within this particular context for the reasons above. In terms of the layout and provision within the parking area there is one assigned disabled space, which is deemed an acceptable provision and supported by the Highway Authority. Electric charging facilities are not identified but it is noted within the submitted Energy Statement that electric vehicle charging points to promote sustainable transport options will be engrained within the development. It is deemed satisfactory to use a planning condition to establish and secure an acceptable provision. In terms of the parking court layout minor amendment and tracking information has established that cars can pass through the access route, which is positive for safety reasons. Tracking has also been submitted and assessed to establish that the spaces are duly accessible, and the arrangement has been recently amended, including a minor reduction in the footprint of the building, in order to provide 3.2m wide spaces aside walls and with a 6m central manoeuvring space the parking dimensions accord with Torbay Council standing advice for communal parking courts. Officers consider the provision acceptable updated comments from the Highway Authority now offer support with all matters resolved.

In terms of cycle parking facilities as detailed within Section 3 of the Officer Assessment the revised facility is now considered to present a good quality policy compliant provision in terms of both occupier and visitor cycle parking.

The proposal is considered acceptable on highway and movement grounds, as the development is in a sustainable location with adequate car and cycle parking facilities, subject to a financial obligation toward sustainable transport, in accordance with Policies TA1, TA3 and DE1 of the Torbay Local Plan, Policies TH9 and TTR2 of the Torquay Neighbourhood Plan, and the NPPF.

5. Ecology

NPPF provides guidance in that planning decisions should contribute to and enhance the natural and local environment and includes guidance towards minimising impacts on and providing net gains for biodiversity (Paragraph 180). The Development Plan frames similar aspirations principally through Policy NC1 of The Local Plan and Policy TE5 of the Torquay Neighbourhood Plan, the latter in terms of impacts upon any existing protected species or habitats.

There is limited ecological value within the site, which is a heavily developed urban plot dominated by the building. To the side and rear of the building hardstanding is present, and landscaping is limited to the narrow area forward of the buildings two public-facing elevations, within which there has been a diminishing of its value through tree and shrub removal over recent years.

The application is supported by an ecology report and more recently an ecological external lighting plan.

The submitted ecology report concludes that bats are not present and that the building holds little roosting potential. It also details that bird nesting has been present and that there is the potential for future nesting, but beyond this there is low potential for any other protected species. The report concludes that there are no ecological constraints to the granting of planning permission subject to conditions regarding repeat bat surveys in the event of a significant time delay in demolishing the building, the provision of bat and bird boxes within the development (five in-built swift nest boxes and four in-built bat boxes), a landscaping scheme that includes a variety of horizontal and vertical plants suitable for shelter and foraging by garden bird species (recommends this includes a minimum of 5 x small trees specimens, e.g. slender trunked and upright varieties such as birch, rowan and some cherry forms adjacent to the northwest boundary, and a minimum of 3 small tree or shrub specimens plus planting of a minimum of 3 vertical climbers on wall trellis, e.g. honeysuckle, jasmine, etc. to the northeast boundary). It also states that no demolition within the nesting season should be undertaken unless previously surveyed to confirm the absence of nesting birds. The report also highlighted the requirement for a lighting scheme pre-decision, which has been submitted.

The ecology report and lighting strategy has been reviewed by a county ecologist at Devon County Council and it has been confirmed that the proposal is suitable for approval on ecology grounds subject to conditions to implement the recommendations for enhancement within the ecology report, no vegetation clearance or building work within the nesting season unless surveyed, and adherence to the submitted lighting strategy.

Subject to conditions the proposals are considered in accordance with the aspirations of Policies SS8, DE1 and NC1 of The Torbay Local Plan, Policy TE5 of the Torquay Neighbourhood Plan, and advice contained within the NPPF.

6. Flood Risk and Drainage

The NPPF provides guidance towards avoiding inappropriate development in areas of flood risk by directing development away from areas at higher risk (Paragraph 165), and when determining applications seeks local planning authorities to ensure that flood risk is not increased elsewhere (Paragraph 173). The local Development Plan offers similar expectations for ensuring the risk of flooding is not increased, together with expectations that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, through Policy ER1. ER1 also outlines a hierarchy for water-flow management within new development, with similar guidance is contained within the Environment Agency's Critical Drainage Area Advice Note for Torbay.

The site is in a low-risk flood zone (Flood Zone 1) and is not in an area susceptible to surface water flooding. From this it is concluded that a change of use to residential is not sensitive in terms of flood risk, subject to ensuring that the risk of flooding is not increased within the site or to land or buildings adjacent, including the public sewer network.

The submitted drainage information details a controlled discharge to the public sewer at a greenfield run off rate with supporting attenuation to manage up to the 1-in-100 flood event plus climate change. The provision of a controlled discharge will significantly reduce the rate of run-off into the public sewer network compared to the existing uncontrolled discharge. This presents the redevelopment offering a clear betterment in terms of the public drainage system in terms of the replacement, controlled, discharge. In terms of the detailed design of the controlled discharge system following the submission of additional detail the Council's drainage engineer is content that the system accords with policy guidance and is acceptable on flood risk grounds and offers no objections on drainage grounds to planning permission being granted.

South West Water have confirmed that they can serve the development with clean potable water and manage foul waters within their infrastructure. They offer no objection to planning permission being granted.

With the proposal providing betterment by replacing the existing uncontrolled discharge to the public sewer with a controlled discharge mimicking greenfield run-off rates and designed to account for climate change, the proposal is considered acceptable on drainage and flood risk grounds. The proposal is considered comfortably aligned with the aims and objectives of Policies ER1 of the Torbay Local Plan and the NPPF.

7. Low Carbon / Climate Change

The NPPF guides that the planning system should support the transition to a low carbon future in a changing climate, including helping to shape places in ways that contribute to radical reductions in greenhouse gas emissions, and support renewable and low carbon energy and associated infrastructure (Paragraph 157).

Policy SS14 of the Torbay Local Plan supports national guidance and seeks major development to minimise carbon emissions and the use of natural resources, which includes the consideration of construction methods and materials. Policy ES1 seeks that all major development proposals should make it clear how low-carbon design has been achieved, and that proposals should identify ways in which the development will maximise opportunities.

The Design and Access Statement submitted in support of the proposal includes an Energy Statement. This sits as initial feasibility work with stated expectations that the outline strategy is captured through conditions or other means should planning permission be granted.

The Energy Statement cites that the development will look to reduce demand for energy consumption based on an energy hierarchy of “Be Lean, Be Clean, Be Green”. Be Lean is linked to passive design measures, Be Clean is linked to the use of clean energy source technologies, and Be Green is based on considering the potential for renewable energy sources. The statement cites that the first two are expected to significant CO2 savings, with the third having the potential to maximise CO2 reduction.

The concepts are detailed out in terms of the following measures being implemented. The apartment block will incorporate high-performance insulation materials, double-glazed windows with low-emissivity and thermally efficient frames will be used, energy-efficient LED lighting will be used throughout the building, including motion sensors and daylight controls, and efficient HVAC systems, including heat recovery ventilation (HRV) units, will be used. The proposal also details that an energy management plan could be implemented to monitor and manage energy consumption within the development and furthers that water-efficient fixtures and fittings will be used. The Statement also details that the development will aim for an EPC rating of B or higher, demonstrating a high level of energy efficiency.

The ambitions of the energy statement are supported and should be secured by a detailed planning condition.

The development is, for the reasons above and subject to the detailed condition, considered suitable for approval, in accordance with Policies SS14 and ES1 of the Torbay Local Plan and guidance contained within the NPPF.

8. Secure Design

The NPPF guides that decisions should aim to achieve buildings and places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion (Paragraph 96). Policy TH2 of the Torquay Neighbourhood Plan is aligned with the NPPF, promoting that new development should provide for a safe environment and consider opportunities to prevent crime or the fear of crime from undermining quality of life or community cohesion. Similarly, Policies SS11 and DE1 of the Torbay Local Plan includes reference that schemes should help prevent and/or design out opportunities for crime and disorder.

The application package is absent of specific detail on security, crime and disorder beyond passing note to the development’s passive surveillance benefits. In the context it is deemed necessary to secure detail that establishes measures to reduce the developments susceptibility to crime and measure to positively influence reducing crime and disorder. It is deemed that these measures can be secured by a planning condition, which is supported by the comments provided by the Police Design Out Crime Officer which express a desire for planning conditions to be considered.

In the context the proposal is considered suitable for approved in terms of security of design subject to a planning condition for details to be submitted and approved prior to the commencement of development above ground level (excluding demolition), to secure development in accordance with Policies SS11 and DE1 of the Torbay Local Plan, Policy TH2 of the Torquay Neighbourhood Plan and guidance contained within the NPPF.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn:

The Economic Role

Housing provision is a driver of economic growth and there would be economic benefits of bringing the site into use and into a residential use. Aside the longer-term economic benefits of local spend from occupants the construction phase would also create jobs within the local economy. There are no adverse economic impacts that would arise from this development. The building has not been used for 5 years and the provision of 14 households in a sustainable location will help local centre vitality and viability. In respect of the economic element of sustainable development the balance is in favour of the development.

The Social Role

The principle social benefit of the proposed development is that it would help deliver good-sized units, largely 2-bed, that could be occupied by singles, couples or small families, helping aspirations towards mixed and balanced communities. This would be in an area that would be well located for shops, services and job opportunities for occupants. In respect of the social element of sustainable development the balance is in favour of the development.

The Environmental role

The environmental benefits are considered neutral. The loss of the building doesn't utilise the embodied energy of the structure which weighs negatively against the scheme. However, the new building will present improved construction methods and heightened levels of energy efficiency compared to the existing building which will present ongoing benefits for the lifetime of the development in terms of reduced energy usage. The ecological mitigation measures will present enhanced bat and bird nesting facilities where the present building does not, which together with potential landscaping would present minor improvements ecologically.

Sustainability Conclusion

Having regard to the above assessment the proposed development is considered to represent sustainable development when considered in the round.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. 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.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Local Finance Considerations

CIL

The land is situated in Charging Zone 2 in the Council's CIL Charging Schedule and residential units is chargeable development, this means that all new floorspace will be charged at a rate of £70/sqm unless exempt.

Based on the submitted CIL form, which provides an indication, subject to formal determination, that the proposal would deliver 1,116sqm of CIL liable floorspace without exceptions, thus it is likely to deliver circa £78,120 in CIL payments.

S106

Site Acceptability Matters: Sustainable Transport obligation of £3,440 towards improvements to sustainable transport infrastructure in the area.

Affordable Housing: N/A for this scale of development on a brownfield site.

Sustainable Development Matters: N/A as CIL liable development.

EIA/HRA

EIA: Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

HRA: Due to the scale, nature and location this development is not considered to have a likely significant effect on European Sites.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme in terms of addressing the Development Plan aspiration to promote reuse brownfield sites and provide housing would produce a positive impact overall and is in accordance with the development plan as a whole. It is also noted that it will also trigger CIL payment of approximately £78,120.

Conclusions and Reasons for Decision

The loss of the disused care facility is considered acceptable, where it is not considered harmful to the wider provision of specialist housing in Torbay.

The proposed use of the site for residential purposes is considered acceptable, where it will provide much needed housing in a sustainable location, compatible with the wider residential character of the area.

The proposal will provide an acceptable standard of accommodation that is in a sustainable location with good local access to shops, facilities, schools, sustainable transport modes, and local parks.

The amount of parking is considered acceptable when considering the evidence scrutinised on the availability of street parking and through the provision of financial mitigation towards sustainable transport enhancements, and with consideration that the existing development/use is principally absent of parking as a material consideration.

The scale and design of the building is considered acceptable and will present an enhanced building form on a prominent corner plot.

Due to the above and subject to appropriate conditions and the stated financial obligation, the proposal is recommended for approval.

The proposed development is considered to represent sustainable development and is acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, the NPPF, and all other material considerations for the reasons stated within this report.

Consideration of the application of the presumption in favour of sustainable development (NPPF Paragraph 11) offers that developments proposals that accord with an up-to-date development plan should be approved without delay. Where out-of-date planning permission should be granted unless policies within the NPPF regarding protected areas or assets of particular importance provides a clear reason for refusing the development proposed, or where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. There is no impact or harm to protected areas or assets of particular importance, and there are no adverse impacts that significantly and demonstrably outweigh the benefits of the development.

Officer Recommendation

Approval: Subject to;

1. The conditions as outlined, with final drafting delegated to the Divisional Director of Planning, Housing and Climate Emergency.
2. Legal agreement to secure a Sustainable Transport Obligation of £3,440.
3. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Conditions

Construction Management Plan

Prior to the commencement of development including site preparation and vegetation clearance works, a site specific Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should include, but not be limited to:

- a) Procedures for maintaining good neighbour relations including complaint management.
- b) The parking of vehicles of site operatives and visitors.
- c) Loading and unloading of plant and materials.
- d) Storage of plant and materials used in constructing the development.
- e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- f) Wheel washing facilities.
- g) The adoption and use of the best practicable means to reduce and control the emission of dust and other airborne pollutants and dirt during construction.
- h) A scheme for recycling/disposing of waste resulting from demolition and construction works, with priority given to reuse of building materials on site wherever practicable.
- i) The adoption and use of the best practicable means to reduce and control noise.
- j) Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- k) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 14:00 on Saturdays and at no time at weekends or bank holidays. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

The approved Construction Management Plan shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details.

Reason: In the interests of highway safety and the amenities of surrounding occupiers during the construction of the development, in accordance with Policy DE3 of the Torbay Local Plan 2012-2030. These details are required pre-commencement as specified to ensure that highway safety and neighbouring amenity is not harmed by building operations or site preparation.

Flood Risk

The development shall not be occupied until the surface water drainage system detailed on plan references 1655 0500 P4 (Drainage Strategy) and 1655 0512 P1 (Manhole Area Plan) has been completed in accordance with the submitted plans. The surface water drainage system as detailed on these plans shall then be retained and maintained for the lifetime of the development.

Reason: As Torbay is designated as a Critical Drainage Area and to ensure that the development does not increase flood risk elsewhere in accordance with policies ER1 and ER2 of the Torbay Local Plan 2012-2030.

Detailed Design

Prior to their installation within the development details of the following shall be submitted to and approved in writing by the Local Planning Authority;

1. Windows and Doors: Cross-sections, profiles, reveals and head detail.
2. Guttering: Location, form and material.
3. Balcony Metalwork: Form.

Plans and sections shall be to a scale between 1:1 and 1:5 where submitted.

The development shall proceed in full accordance with the approved detail.

Reasons: In order to protect visual amenity in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030, Policy TH8 of the Torquay Neighbourhood Plan and advice contained within the NPPF.

Nesting Season

No vegetation clearance or demolition works shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the works will not disturb nesting birds and a record of this kept.

Reason: To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

Ecology: biodiversity enhancement

Development shall be carried out in accordance with the actions set out in the Preliminary Ecological Assessment: Bats and Nesting Bird Survey Report (George Bemment Associates, dated May 2023).

Prior to the first use of the proposed development a minimum of five in-built swift nest boxes and four in-built bat boxes shall be provided, in accordance with the submitted ecology report, and the provision of low light transmission glazing within the 9 corridor windows within the southeast elevation.

The approved measures shall be delivered in full prior to the first occupation of the development and maintained for their purpose thereafter through the life of the development.

Reason: To ensure the development positively incorporates biodiversity features proportionate to its scale, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

External Lighting

All external lighting shall accord with the submitted and approved lighting assessment (Kosnic Lighting Limited: dated 09.06.2023) without variation throughout the lifetime of the development and no additional external lighting shall be provided within the development.

Reason: In the interests of biodiversity in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and Policy TE5 of the Torquay Neighbourhood Plan.

Landscaping

Notwithstanding submitted detail, including reference to laurel box hedging on the approved plans, prior to the first occupation of the development a detailed landscaping scheme, including planting detail and maintenance, shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall seek to positively address the recommendations of the submitted and approved Preliminary Ecological Assessment: Bats and Nesting Bird Survey Report (George Bemment Associates, dated May 2023), and secure a variety of horizontal and vertical plants suitable for shelter and foraging by garden bird species.

The approved landscaping shall be delivered in full prior to the first occupation of the development and maintained thereafter. Should any planting be removed, or die, within 5 years of completion of the planting scheme replanting, to a similar size and specification, shall be completed within the first available planting season.

Reason: To ensure the development positively incorporates biodiversity features proportionate to its scale, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF

Landscape and Ecological Management Plan (LEMP)

Prior to the first occupation of the development a Landscape and Ecological Management Plan (LEMP), prepared in accordance with the specifications in BS42020; clause 11.1, shall be submitted and shall include, but not be limited to, the following.

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

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

Reason: To secure a satisfactory form of development in accordance with Policies DE3, SS8, C4 and NC1 of the Torbay Local Plan 2012-2030 and THW4 of the Torquay Neighbourhood Plan.

Parking provision

Prior to the first occupation of the development the parking facilities hereby approved shall have been provided and demarked for the use by the 2 and 3 bed units on a 1 space per unit basis, in full. These elements shall thereafter be retained in full as parking facilities to serve the development for the life of the development.

Reason: To secure an appropriate form of development in accordance with Policies DE1 and TA3 of the Torbay Local Plan 2012-2030 and Policies TH8 and TH9 of the Torquay Neighbourhood Plan.

Electric charging facilities

Prior to the first occupation of the development details of the location and form of electric car charging facilities to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The provision shall serve no less than 20% of the development.

The charging facilities shall be implemented in full and made available for use prior to the first use of the building and shall be always maintained and available for use thereafter to serve the development.

Reason: To secure an appropriate form of development in accordance with Policies TA3 and SS14 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan.

Cycle parking provision

Prior to the first use of the development the approved cycle parking facilities shall be completed and made available for the purpose of cycle parking to serve the development. Once provided, the cycle parking facilities shall be retained for the life of the development for such purposes.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and TA3 of the Torbay Local Plan 2012-2030.

Waste provision

Prior to the first occupation of the development the waste and recycling storage facilities shall be completed and made available for the purposes of waste storage to serve the development. The approved waste storage arrangements shall thereafter be retained for the life of the development.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and W1 of the Torbay Local Plan 2012-2030.

Secured by Design

Prior to the commencement of development above damp proof course level, excluding demolition, evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the design of the development meets Secured by Design standards as far as practicable.

The approved measures shall be incorporated within the development in full prior to occupation of the development and thereafter be maintained and operational.

Reason: In the interests of crime prevention in accordance with Policy DE1 of the Torbay Local Plan and Policy TH2 of the Torquay Neighbourhood Plan.

Energy / Low Carbon

Prior to the first use of the development the following energy efficiency measures and sustainability and climate change measures, as stated within the submitted Energy Statement (contained within the Design and Access Statement), shall be implemented in full:

- High-performance insulation materials for walls, floors, and roofs.
- Double-glazed windows with low-emissivity and thermally efficient frames.
- Energy-efficient LED lighting throughout the building, including motion sensors and daylight controls.
- Efficient HVAC systems, including heat recovery ventilation (HRV) units.
- Water-efficient fixtures and appliances.

Prior to the first occupation of the development an Energy Management Plan shall be submitted to and approved in writing by the Local Planning Authority to establish measures to monitor and manage energy consumption within the development, which shall include review mechanisms. The approved Plan shall be implemented throughout the life of the development.

Unless otherwise submitted and approved in writing the development shall achieve EPC rating of B or higher. Confirmation of the EPC rating B or higher shall be submitted to the Local Planning Authority prior to the first occupation of the development.

Reason: In the interests of sustainable development and to minimise carbon emissions in accordance with Policy SS14 and ES1 of the adopted Torbay Local Plan 2012-2030.

Boundary treatments / Means of enclosure

Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting, or further amending that Order), no means of enclosure, other than those detailed within the plans hereby approved, including gates, fences, walls or other means of enclosure, shall be erected/installed within the development between the building and the adjacent public highways.

Reason: In order to safeguard the character and visual amenities of the locality in accordance with Policies SS10 and DE1 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan and advice contained within the NPPF.

Ancillary equipment

No equipment, signage or plant shall be located on the roof, walls or in the grounds of the development hereby permitted (other than those indicated on the approved plans) unless otherwise approved in writing by the Local Planning Authority, including air conditioning units, extraction equipment, aerials, tanks, satellite dishes and external lighting.

Reason: In the interests of the visual and general amenities of the area and in accordance with Policy DE1 and DE3 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan.

Informative(s)

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 **Page 49** 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

Development Plan Relevant Policies

SS1 - Growth Strategy for a prosperous Torbay
SS3 - Presumption in favour of sustainable dev
SS11 – Sustainable communities
SS12 – Housing
SS13 – Five-year housing land supply
TA1 - Transport and accessibility
TA2 - Development access
TA3 – Parking requirements
DE1 - Design
DE3 - Development Amenity
DE4 - Building heights
ER1 - Flood Risk
ER2 - Water Management
ES1 – Energy
W1 - Waste management facilities
W2 – Waste audit for major development and significant waste generating developments
NC1 - Biodiversity and geodiversity
C4 – Trees, hedgerows and natural landscape features

TS1 - Sustainable Development
TS4 - Support for Brownfield and Greenfield development
TH8 - Established architecture
TH9 – Parking facilities
THW4 – Outside space provision
THW5 - Access to sustainable transport
TH2 - Designing out crime
TE5 - Protected species habitats and biodiversity
TTR2 – Sustainable communities