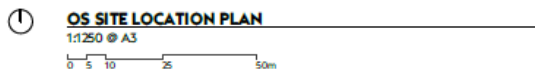


TORBAY COUNCIL

Application Site Address	Mouse Cottage Brim Hill Torquay TQ1 4TR
Proposal	Demolition of existing dwelling, construction of replacement dwelling, alterations to parking areas, landscaping works to include decking, terraces and swimming pool and associated works.
Application Number	P/2023/0750
Applicant	Mr Simpson
Agent	Mr Wells
Date Application Valid	25/08/2023
Decision Due date	20/10/2023
Extension of Time Date	05/04/2024
Recommendation	<p>Approval: Subject to;</p> <p>The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;</p> <p>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.</p> <p>If Members of Planning Committee are minded to refuse the application against officer recommendation, final drafting of the reason(s) will be delegated to the Divisional Director of Planning, Housing and Climate Emergency and in consultation with the chairperson.</p>
Reason for Referral to Planning Committee	The application has been referred to Planning Committee by Cllr G. Darling following the SRM procedure.
Planning Case Officer	Verity Clark

Location Plan



Site Details

The application site is a detached residential dwelling located on Brim Hill, Maidencombe, Torquay.

The site is located within open countryside, the undeveloped coast, partly within flood zone 3, is covered by an area tree preservation order (TPO) and is within the Maidencombe village envelope. The site is also directly adjacent to the Maidencombe Conservation Area and a local nature reserve. The Grade II listed building 'Court House' is located to the north east of the site.

Description of Development

The application seeks consent for the demolition of the existing dwelling and the formation of a replacement contemporary two-storey dwelling, including alterations to

the parking areas, landscaping including decking and terraces, a swimming pool and associated works.

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 2012-2030

Material Considerations

- National Planning Policy Framework (NPPF)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning Policy Guidance (PPG)
- Published standing Advice
- Maidencombe Conservation Area Appraisal
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

Summary Of Consultation Responses

Highways:

No objection -

The Highways Standing Advice would apply to the above application. If the Development fails to meet the requirements of the HSA, it should be considered as an objection by the Local Highway Authority.

Waste Officer:

No objection -

I would have no objection to this development. I can see that there is adequate space for storage of recycling and waste. Collections already take place on Brim Hill. Residents will need to move their containers to the curtilage of the property for collection.

Community Safety:

No objection –

Further to your recent consultation regarding the above application I would confirm that I have no objections subject to the inclusion of the following condition: Construction/Demolition Management Plan.

Senior Tree Officer:

No objection -

The application proposes the demolition of the existing dwelling and replacement with a new dwelling and associated infrastructure.

The existing building has an acceptable spatial relationship to the surrounding trees, and the proposed layout does not infringe or impact on existing trees.

The proposed layout is not affected or likely to be compromised by daylight shading due to its orientation to existing trees.

The application is supported by an arboricultural appraisal of the trees, tree constraints and project objectives. The report has been produced by Dart Tree Consultancy Ref: AIA-MOU-22.

The application is supported by a Tree Protection Plan Ref: TPP-MOU-22 which makes provision for the retention and protection of existing trees. Section 8.3 of the report clearly stipulates the installation of Construction Exclusion Zone fence prior to the commencement of the development. Section 10 of the report provides the specification for the fence (Fig 2 BS5837).

Recommendations:

If planning permission is granted a planning condition must be applied to secure the recommendations of the Dart tree report and Tree Protection Plan. The tree protective fencing must be fixed into the approved positions and maintained for the duration of the development.

Drainage Engineer (surface water drainage and flood risk):

Response dated 4/10/23:

Objection -

1. Part of the site is located in Flood Zone 3 and as a result the developer has submitted a site specific flood risk assessment.
2. In addition, the developer has submitted details of the proposed surface water drainage system for the new development. This incorporates attenuation which discharges at a controlled rate to a soakaway which has an overflow to an infiltration trench.

3. No infiltration testing has been carried in accordance with BRE 365. The only infiltration testing undertaken was within two boreholes. The infiltration testing must be carried out in accordance with BRE 365 at the proposed location and invert level of the soakaway and the infiltration trench. The results of this infiltration testing must be used within the design of the surface water drainage.
4. The borehole infiltration testing that has been carried out are at a depth of 2.16m and 1.35m respectively. Based on the location of these boreholes the invert level of these boreholes is well above the proposed invert level of soakaway. Therefore, the infiltration rates obtained from the boreholes are not suitable for the design of the soakaway.
5. The proposed discharge rate from the attenuation tank to the soakaway has been set at 0.3l/sec. This will result in a drain down time for the tank when full of approximately 40 hours. As a result of this excessive drain down time, there would be a risk of flooding from the proposed surface water drainage system when considering follow on storm events. This has not been considered within the submitted design.
6. Within the submitted hydraulic design the attenuation tank has been incorrectly modelled. The depth/area identifies that at 1.2m deep the area is 38.5m² and at 1.6m deep the area is 0m² whereas the tank should be modelled with the area at 1.2m deep being 38.5m² and at 1.201m the area should be 0m². The way the tank has currently been modelled provides additional storage volume within the hydraulic model that in reality does not exist.
7. The infiltration rate identified from the boreholes are identified as Borehole 01, 9.03x 10⁻⁷, 1.26x10⁻⁷ and 1.13x10⁻⁶ and at Borehole 2, 9.04x10⁻⁶, 1.71x10⁻⁷ and 6.00x10⁻⁷. Within the hydraulic modelling the infiltration rate that has been used is 6.00x10⁻⁷ whereas the lowest figure is actually 1.26x10⁻⁷ and this is the figure that should be used in the hydraulic modelling. It should be noted that the testing and infiltration rate obtained from the testing is at the incorrect level for the proposed soakaway as identified in point 4 above.
8. Within the hydraulic modelling pipe number 1.005 is identified as having a diameter of 150mm whereas on the drawing the diameter is 100mm.
9. The proposed development drawings include a new swimming pool located on the site. Within the flood risk assessment and surface water drainage design there is a statement that special measures will be undertaken for discharging flows from the swimming pool however no details of these special measures have been provided.
10. Previously we identified that, due to the topography of the land and the risk of re-emergence of flows downstream, the soakaway and infiltration trench design

must demonstrate that flows discharging from the soakaway/infiltration trench will not result in an increased risk of flooding to property and land downstream of the proposed development. Within the flood risk assessment there is the following statement "A study would be required to identify whether water infiltrating at the site would emerge from the ground at lower levels and/or otherwise effect lower lying development or infiltration." No details of this study have been provided.

Response dated 13/2/24 following the submission of additional information:

No objection -

1. The developer has carried out infiltration testing at the location and invert level of the proposed soakaways. These infiltration tests have been carried out in accordance with BRE365.
2. The developer has submitted a drawing showing the proposed surface water drainage for the development. The surface water drainage will discharge to a soakaway located on their site.
3. The developer has submitted hydraulic calculations to show that the surface water drainage and the soakaway has been designed to cater for the critical 1 in 100 year storm event plus 50% for climate change and 10% for urban creep.

Providing the surface water drainage is constructed in accordance with the submitted drawings and hydraulic design I have no objections on drainage grounds to planning permission being granted.

Drainage Engineer (foul drainage):

No objection –

1. The developer has identified within Form FDA 1A that foul drainage will discharge to a package treatment plant with the treated effluent then being discharged to a drainage field.
2. There is no drawing showing where the package treatment plant or drainage field are to be located on the site. This is required to be submitted.
3. The infiltration testing that has been carried out is the testing that was undertaken for the surface water drainage soakaway. Foul effluent from the package treatment plant must not discharge to this soakaway.
4. The developer must carry out infiltration testing at the location of the proposed drainage field as identified in guidance note 6 of Form FDA 1A (a minimum of

two trial holes with three tests in each trial hole). The results of this infiltration testing can then be used to design the drainage field.

Details of the infiltration testing, package treatment plant and drainage field design must be submitted.

DCC Ecology:

No objection -
Ok subject to conditions.

Torquay Neighbourhood Forum:

Objection -

The Forum notes that this new Application attempts to overcome objections raised for P/2023/0170. We are pleased that an extra parking space has been provided for visitors and also note that some attenuation has now been provided for rainwater run-off, however, we believe that further consideration needs to be given to both rainwater run-off and foul drainage.

The proposed development will affect a Flood Risk Zone 3 Area. The Breccia therein can become saturated, thus limiting the capacity for infiltration drainage. Detailed permeability tests will need to be undertaken, including during prolonged wet weather conditions, to verify the drainage capacity. In addition exceedance flow from the attenuation tank must not result in risk of flooding in lower properties but the proposed design indicates that such a risk is not eliminated.

The Forum has noted a number of comments relating to the design. The proposed design is unique compared with other buildings within the combe, and will impact the appearance of the Conservation Area and the surrounding dwellings. It is in danger of setting a precedent for Maidencombe to be overrun by the trend from elsewhere in Torquay of buildings that look like shipping containers. The Torbay Heritage Trust, who have expertise in architecture and conservation, expressed concerns, and comments from neighbours in Brim Hill indicate that the proposed box-like design does not meet the spirit of Neighbourhood Plan Policy TH12. The Forum would prefer to see a more traditional design in keeping with the other buildings in the combe.

The Forum in principle supports replacement of Mouse Cottage, but this proposal continues to be out of keeping with the area. Consequently, the Forum cannot support this Application.

Principal Historic Environment Officer:

No objection -

The proposed development is considered to have a neutral impact on the significance of the identified designated heritage assets. The existing building is not considered to

have any architectural or historic value and therefore its demolition would have no demonstrable heritage impact. Although, the proposed design approach would be a move away from the traditional, vernacular style commonly found within the conservation area, the replacement dwelling through its simplified form and detailing, proposed landscaping and use of natural materials would result in a form of built development which would more successfully integrate itself into the existing landscape than that previously refused. The proposed development is therefore considered to preserve the rural setting of both the Maidencombe Conservation Area and the Courthouse as a Grade II listed building.

Conclusions:

As a result of the above, it is clear that the proposed development would have a neutral impact on the significance of the identified heritage assets and would preserve the character and appearance of the Maidencombe Conservation Area.

Should the application be approved it is suggested that the following details be secured through condition:

- hard and soft landscaping
- additional roof paraphernalia restriction
- joinery details
- samples of external walling materials (including any boundary treatments)
- specification of proposed roofing materials

Summary Of Representations

6 letters of objection received (3 of which are from a single contact; Torbay Heritage Trust). Issues raised:

- Design and visual appearance
- Special characteristic of the village
- Heritage
- Proposal is not modest
- Scale and massing
- Contrary to policies
- Footprint
- Not in-keeping
- Parking
- Drainage
- Privacy of adjacent properties
- Overly dominant
- Impact on Conservation Area
- Materials

Relevant Planning History

P/2023/0170 Demolition of existing dwelling and formation of replacement contemporary two-storey dwelling. Alterations to parking areas, landscaping including

decking, swimming pool and associated works. Refused 27/04/2023 Appeal dismissed.

Planning Officer Assessment

Key Issues / Material Considerations

1. Principle of Development
2. Visual Impact and Heritage
3. Impact on Residential Amenity
4. Ecology
5. Trees and Landscaping
6. Highways, Movement and Parking
7. Flood Risk and Drainage
8. Low Carbon / Climate Change

1. Principle of development

The proposal is to demolish the existing detached bungalow and construct a replacement dwelling.

The site is designated as countryside located within the Maidencombe and Watcombe Countryside Area under Policy C1 of the Torbay Local Plan. Policy C1 states that “development outside the main urban areas and Strategic Delivery Areas will normally only be permitted within the established boundaries of villages and hamlets, provided that it is of an appropriate modest scale and consistent with relevant Local Plan Policies, including those relating to landscape, recreation, biodiversity, design and conservation.” The site is located within the Maidencombe village envelope and there are no Development Plan policies indicating that the proposal is not acceptable in principle. It is important to note that the point of general principle is subject to broader planning policy considerations and other relevant material considerations, which will be discussed in more detail below.

2. Visual Impact and Heritage

Paragraph 203 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of: (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 139 states that development that is

not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy C1 of the Local Plan states that development outside the main urban areas and Strategic Delivery Areas will normally only be permitted within the established boundaries of villages and hamlets, provided that it is of an appropriate modest scale and consistent with relevant Local Plan Policies, including those relating to landscape, recreation, biodiversity, design and conservation. Policy SS10 of the Local Plan states that proposals that may affect heritage assets will be assessed on the need to conserve and enhance the distinctive character and appearance of Torbay's conservation areas, whilst allowing sympathetic development within them. Policy TH8 of the Neighbourhood Plan requires the development to be of good quality design, respect the local character in terms of height, scale and bulk; and reflect the identity of its surroundings.

The site is within the Maidencombe to Daddyhole Undeveloped Coast which is designated under Policy C2 of the Local Plan. Policy C2 states the Council and partnership organisations will conserve the character of the undeveloped coast and seek to enhance its distinctive landscape, seascape, biodiversity, geological, recreational and cultural value. Development will not be permitted in the undeveloped coastal area unless proposals satisfy the following requirements:

1. Maintain the unspoilt character of the coastline, coastal landscape and seascape;
2. Maintain or improve public access for recreation; and
3. Provide sensitively designed development, including tourism uses, where there are clear economic or sustainability benefits that cannot be realised in alternative locations.

The site falls within the Maidencombe Village Envelope. Policy TH12 of the Torquay Neighbourhood Plan states that any proposal for development within Maidencombe Village Envelope must demonstrate that it respects local character and it conserves or enhances heritage and landscape assets where it might impact on those assets. To achieve this, any development must be of a scale, height, footprint, location and massing in keeping with its built surroundings and the overall physical characteristics within the Village Envelope; and to protect the amenity of existing homes. Designs and construction materials must draw from and be in keeping with local features and design characteristics and be appropriate in relation to its landscape sensitivity. Development must take into account the value of the rural landscape and comply with the Local Plan policies in the designated Countryside Area (C1) and Undeveloped Coast (C2).

The predominant character of the dwellings within the Maidencombe village envelope is that of large detached dwellings primarily of traditional materials featuring pitched slate and tiled roofs. There is a variety of materials present including render, brick and

cladding. Within the wider Maidencombe area more modern development is present, including modern flat roof dwellings.

At present the existing dwelling sits quietly within its surroundings allowing the landscape to dominate the character of the area. Policy TH12 of the Torquay Neighbourhood Plan is a key consideration, notably that development must be of a scale, height, footprint, location and massing in keeping with its built surroundings and the overall physical characteristics within the Village Envelope and that designs and construction materials must draw from and be in keeping with local features and design characteristics and be appropriate in relation to its landscape sensitivity. The policy is not explicit in what design approach would be acceptable but requires that it draws from and is in keeping with local features and design characteristics. It is considered that there is scope for innovative and modern design, providing it utilises high quality materials and sits quietly within the landscape, rather than dominates it.

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) sets out the general duty as respects Conservation Areas, which requires Local Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Similarly, Section 66 of the 1990 Act sets out the general duty as respects listed buildings, which requires Local Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy SS10 of the Torbay Local Plan states that proposals will be assessed, amongst other things, in terms of the impact on listed and historic buildings, and their settings, and in terms of the need to conserve and enhance the distinctive character and appearance of Torbay's conservation areas.

The site is directly adjacent to the Maidencombe Conservation Area and therefore consideration on the impact of the proposal on its setting is required. Similarly, the application site is within the setting of the Grade II listed 'Court House' which is sited approximately 80m to the north east (between boundaries) and Policy HE1 of the Local Plan requires that development proposals should have special regard to the desirability of preserving any listed building and its setting.

The Maidencombe Conservation Area Character Appraisal (2005), highlights that the special qualities of the Conservation Area derive from the grouped historic buildings from the same era which still retain their traditional forms, thatched roofs and close-knit clustered siting relative to one another. In contrast to these, there are grand villas of later origins that sit higher up on the slopes. But it is the combination of these varied building types within their verdant and topographically challenging landscape which has been influenced by agriculture and proximity to the coast that all contribute to the significance of the Conservation Area. The 20th century infill housing, including the application site dwelling, are considered to make a largely neutral contribution to the setting of the Conservation Area. The rear of the existing dwelling is visible from Rock House Lane in the vicinity of the listed Court House, and it is from here that the dwelling is present in views from and facing towards the Conservation Area. This area is

popular with walkers given the existence of the footpath and recreational spaces, leading to the beach, hence being sensitive to change.

This application follows on from refused application P/2023/0170 which was dismissed at appeal. This application sought to demolish the existing dwelling and construct a contemporary replacement dwelling. One of the reasons for refusal was as follows:

The replacement dwelling would have an overly dominant scale, footprint and massing and as a result would fail to appear in-keeping with the surrounding built environment and landscape setting, instead appearing as a stark addition to the detriment of the character and appearance of the area. The proposal would fail to conserve or enhance the character and quality of the adjacent Maidencombe Conservation Area resulting in less than substantial harm to the Conservation Area which is not considered to be outweighed by sufficient public benefit. The proposal is therefore considered to be contrary to Policies C1, C2, DE1 and SS10 of the Torbay Local Plan, Policy TH8 and TH12 of the Torquay Neighbourhood Plan and the guidance contained in the NPPF.

The Inspector's appeal decision noted:

Although the proposed property would be of a similar height to the ridge of the existing bungalow, it would incorporate a flat roof, large chimney element and a timber screened external terraced on built up ground. These design features would significantly increase the overall bulk and massing of built form when compared with the existing bungalow. Furthermore, the narrow plot would be largely consumed by the increased footprint of the development, which would harmfully reduce the spacious gap between properties.

The proposed materials including a green roof, timber and stone would go some way towards softening the appearance of the property. However, although there are other nearby properties positioned close to the lane, the aforementioned design features would generate an uncomfortable, untypical and imposing presence when viewed from this lane.

Whilst it is recognised that well designed places do not need to copy their surroundings, the proposed rear elevation would include large proportions of glazing across an uncharacteristically wide block of built form. This elevation would not appear lightweight in its design and would have an outlook directly over a small field within the CA. As such, regardless of other intrusive or prominent nearby buildings, the proposal would not appear recessive, but rather, incongruous against this characterful, verdant foreground and tree lined backdrop. The setting of the CA would consequently be harmed.

Overall, the appeal decision highlighted the need for the proposed development to assimilate into the landscape and to appear less striking and dominant. The current application has made a number of amendments to the proposed scheme including the

removal of the bulky chimney design and raised side terrace. The rear elevation has been altered to reduce the extent of the glazing at first floor level by increasing the solid to void ratio. These changes have consolidated the massing and simplified the built form, significantly reducing the overall width of the proposed development.

The replacement dwelling detailed within this application is modern in design featuring a flat roof design and is set over two floors. Materials include local drystone stone walling, grey treated timber cladding and timber frame glazing. The accommodation of the dwelling is located within a central rectangular form. The two existing parking areas are retained and improved with the north west parking area enlarged and the pedestrian steps leading to the existing dwelling removed, whilst the south west parking area features improvements with a new bin store and stepped access to the ground floor of the dwelling. The rear garden features new terracing, a swimming pool and retaining wall structures.

Objectors have raised concerns with the design and visual appearance noting that the proposal would not be in keeping with the local area, the dominance of the proposal and that the development is not modest. Concerns are also raised with the scale, massing and footprint, the use of materials and the impact on the special characteristics of the village. The impact on the Conservation Area and heritage assets are also raised as concerns.

The proposal positions the replacement dwelling closer to the road thereby increasing the dominance of the replacement dwelling. There is no in principle concern with the visual impact of the siting in terms of the proximity to the road. Concerns were raised with the previous application that the set forward siting in combination with the width of the replacement dwelling, which included a wrap around terrace would be highly visible from the streetscene and would significantly increase the width and massing of the dwelling resulting in development spanning the majority of the width of the plot. The current proposal has simplified the design, resulting in a width similar to the width of the existing dwelling. One of the positive features of the area is the spaciousness of the streetscene with clear gaps between dwellings, and the ability in this location to see through the site to the landscape and sea beyond, including the Conservation Area. Generally larger dwellings in this location are set further back within their plots to reduce their dominance, and dwellings of smaller proportions are set closer to the road. The set forward siting in this instance is considered to be acceptable given the proposed width of the dwelling which retains gaps to both side elevations in combination with its simple form and visual appearance. The width and massing presented is considered to be acceptable and would retain the spacious characteristic within the streetscene thereby appearing of a suitable scale with the surroundings and retaining the landscape character of the area.

In terms of the general design, the replacement dwelling does not exceed the overall height of the existing dwelling. Whilst the flat roof design will increase the overall massing this is considered to be an acceptable increase in terms of the overall visual impact.

The rear of the dwelling is visible from Rock House Lane which is located within the Maidencombe Conservation Area. The appeal decision of the refused application raised concerns with the large proportions of glazing across the uncharacteristically wide block of built form. The built form and massing has been reduced in this application submission with the removal of the side terrace which featured rear glazing. The glazing at ground floor level is likely to have limited visibility from the Conservation Area given its siting, the topography, landscaping and available viewing points from public vantage points. The first floor of the dwelling is considered to be readily visible and at this level the extent of glazing has been reduced and the side terrace with glazed balustrading has been omitted. This has simplified the design and overall the appearance is not considered to appear incongruous against the characterful, verdant foreground and tree lined backdrop within the context of the countryside and undeveloped coast. It is therefore considered that the overall scale, footprint and massing would appear appropriately in-keeping with the surrounding built environment and landscape setting, and will maintain the unspoilt character of the coastline, coastal landscape and seascape via the sensitively designed development.

The Court House was originally listed as grade II in 1975 and dates from the late 16th century, however, it has been extended and altered in the 20th century. Its significance relates predominantly to its evidential value through the survival of its 16th century fabric, historic value through the physical evidence of past inhabitants of the site from the 16th century onwards, and its aesthetic value due to the contribution it makes to the historic landscape of the area. In addition, the building is also listed for its group value which indicates that its external relationship with other assets as part of an historic grouping makes an important contribution to its significance. It is considered that with regards to the Court House's setting, the asset is predominantly experienced privately within its own curtilage, and publicly from Rock House Lane and the Maidencombe Community Orchard. The wider setting of the asset is characterised by the rurality of the area with large green open spaces, sporadic isolated development linked by rural lanes and views of the sea. The existing 20th century development along Brim Hill would be considered to form part of the overall setting of the listed building and would presently have a neutral impact upon it. There is some intervisibility between the listed building and site, however, this only comprises a minor element of its overall setting. As a result, it can be concluded that the setting of the Court House does make a demonstrable impact to its significance.

The Council's Principal Historic Environment Officer considers the demolition of the existing dwelling to have a neutral impact on the Maidencombe Conservation Area and the listed Court House given the existing building is not considered to have any architectural or historic value. Similarly, the construction of the replacement dwelling detailed is considered to have a neutral impact on the Maidencombe Conservation Area and the listed Court House. The Officer notes that although the proposed design approach would be a move away from the traditional, vernacular style commonly found within the Village Envelope and the Conservation Area, the replacement dwelling through its simplified form and detailing, proposed landscaping and use of natural

materials would result in a form of built development which would successfully integrate itself into the existing landscape unlike that previously refused. The proposed development is therefore considered to preserve the rural setting of both the Maidencombe Conservation Area and the Court House as a Grade II listed building resulting in a neutral impact. The Officer recommends a number of conditions to ensure a good quality form of development in addition to a condition restricting additional roof paraphernalia.

Given the prominence of the development within the streetscene and the Conservation Area, and as the simplistic form of development details results in a form of development, which although modern, can assimilate into its surroundings quietly, the addition of a condition removing permitted development rights for additional works, including extensions and alterations and additions to the roof is recommended to ensure this simplistic form is retained.

The revised proposal is considered to have overcome the previous reason for refusal and is considered to accord to Policies C1, C2, DE1 and SS10 of the Local Plan, Policy TH8 and TH12 of the Neighbourhood Plan and the guidance contained in the NPPF.

3. Impact on Residential Amenity

Policy DE3 of the Local Plan states that development proposals should be designed to provide a good level of amenity for future residents and will be assessed in terms of the impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution, provision of useable amenity space, and an adequate internal living space. Policy TH12 of the Neighbourhood Plan requires new development to protect the amenity of existing homes.

Quality of living accommodation for future occupiers:

Policy DE3 of the Local Plan which relates to development amenity requires that new residential units provide adequate floor space in order to achieve a pleasant and healthy environment. Internal floor standards are set out from the DCLG technical housing standards document and echoed in Table 23 of the Torbay Local Plan 2012-2030. This states that a four bedroom 8 person dwelling set over two floors should have a minimum internal floor area of 124m².

Policy THW4 of the Neighbourhood Plan states that all new houses shall have not less than 20 sqm of outside space (excluding space for cars or parking) and must have garden areas with not less than 10 sqm of space suitable for growing plants or the equivalent allocated communal growing space within an easy walk. The Neighbourhood Plan provides the primary guidance on outdoor amenity space where there is divergence with policy guidance within the Local Plan.

The replacement dwelling exceeds the recommended minimum internal floor area and therefore complies with the Government's Nationally Described Space Standards. The

replacement dwelling is considered to provide an adequate and suitable environment for future occupiers in terms of outlook and natural light levels. The replacement dwelling will feature an external amenity area which exceed 20m² in line with the Neighbourhood Plan policy requirement.

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.

Objectors have raised concerns with the impact of the proposal on the privacy of adjacent properties.

In terms of the impact of the proposal on adjacent neighbours, Home Orchard is sited to the south east. It is acknowledged that given the two storey nature of the replacement dwelling, that glazing and openings will be present at a higher level than the existing rear openings and raised terrace area. Home Orchard is set at a significantly lower level than the application site and at present the shared side boundary features vegetation at varying heights. From the existing garden and raised terrace of the application site, the roof of Home Orchard is visible. The north facing roof of Home Orchard features a rooflight within the central hipped section of the building and there are opening at ground floor level with a retaining wall. Given the siting of the replacement dwelling, any views achievable from the rear of the dwelling will be at an angle and not direct. Whilst the replacement dwelling will be at a higher level, this height difference means that any views achieved of Home Orchard will be at a higher level therefore not resulting in direct views or any subsequent loss of privacy to openings on the side elevation. Given the separation distance of the rear of Home Orchard, including their garden and swimming pool area, and the indirect views which could be achieved over the roof of this property towards the front of the dwelling from the rear of the replacement dwelling, the proposal is not considered to result in an unacceptable level of overlooking or reduced privacy to this dwelling. Openings are proposed on the southern first floor elevation of the replacement dwelling, however these will face towards a small section of Home Orchard's front garden which is likely to receive little use given the extent of their rear garden thereby resulting in an acceptable relationship. The proposal includes retaining walls across the southern width of the plot and a dwarf wall flood barrier. Given the height of these features in combination with the distance to Home Orchard and this property's primary orientation, these features are not considered to result in a negative impact on neighbouring amenity. Overall the impact on Home Orchard is considered to be acceptable.

The proposal is considered to have an acceptable impact on the amenity of Maidensea House given the lower land levels and boundary screening.

A planning condition is recommended in line with the comments from the Council's Senior Environmental Health Officer which requires the submission of a construction and demolition management plan. Given the narrow width of Brim Hill with restricted

parking opportunities, in combination with the proximity of the site to neighbouring dwellings, this information is required prior to commencement to secure suitable parameters for the construction phase.

The proposal is therefore considered to result in an acceptable impact on the amenity of neighbouring properties and the proposal is considered to accord with Policy DE3 of the Local Plan, Policy TH12 of the Neighbourhood Plan and the guidance contained within the NPPF.

4. Ecology

Policy NC1 of the Torbay Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale. Policy TE6 of the Torquay Neighbourhood Plan states that considering all stages of the construction process, all development within the Edginswell Future Growth Area or the Maidencombe area must have a Habitats Regulations Assessment as appropriate and be compatible with ecological requirements set out in the Habitats Regulations.

The site is located adjacent to a local nature reserve – Maidencombe and Lower Gabwell Fields and the site lies within the South Hams SAC Landscape Connectivity Zone for greater horseshoe bats.

A bat and bird assessment has been submitted in support of the application. The report confirmed that there was no evidence of nesting birds and no evidence of bat use. There were no features suitable for roosting bats. The site was assessed as having negligible suitability to support roosting bats. It was recommended that if vegetation is removed (notably there is a row of hazel planting in the middle of the garden) it should be timed to avoid the bird nesting season (1st May – 31st August) unless a competent ecologist has carried out a nesting bird check in the 24 hours prior to habitat clearance. No further survey work is required.

The DCC Ecologist has confirmed that the proposal is acceptable from an ecological standpoint subject to the imposition of conditions. A condition requiring the adherence to the ecological enhancement set out within the bat and bird assessment is recommended alongside a condition relating to the timing of vegetation clearance works and enabling/demolition works of the building to ensure an acceptable impact on nesting birds. External lighting details have been provided which are considered acceptable and will be secured by condition.

With the addition of the recommended conditions the proposal would accord with Local Plan Policy NC1 and Policy TE6 of the Torquay Neighbourhood Plan.

5. Trees and Landscaping

Policy C4 of the Local Plan states that development will not be permitted where it would seriously harm, either directly or indirectly, protected trees or veteran trees,

hedgerows, ancient woodlands or other natural features of significant landscape, historic or nature conservation value. Policy C4 goes on to state that 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. The site is covered by an Area Tree Preservation Order.

The proposal is supported by an arboricultural impact assessment and associated tree protection plan.

The Council's Senior Tree Officer has confirmed that the existing building has an acceptable spatial relationship to the surrounding trees, and the proposed layout does not infringe or impact on existing trees. The proposed layout is not affected or likely to be compromised by daylight shading due to its orientation to existing trees. The application is supported by an arboricultural appraisal of the trees, tree constraints and project objectives. The application is supported by a Tree Protection Plan Ref: TPP-MOU-22 which makes provision for the retention and protection of existing trees. Section 8.3 of the report clearly stipulates the installation of Construction Exclusion Zone fence prior to the commencement of the development. Section 10 of the report provides the specification for the fence (Fig 2 BS5837). The Officer recommends that if planning permission is granted, a planning condition must be applied to secure the recommendations of the Dart tree report and Tree Protection Plan. The tree protective fencing must be fixed into the approved positions and maintained for the duration of the development.

With the addition of the recommended condition the proposal is considered to be in accordance with Policy C4 of the Local Plan.

6. Highways, Movement and Parking

Policy DE3 of the Local Plan specifies that new development proposals should have satisfactory provision for off-road motor vehicle parking, bicycles and storage of containers for waste and recycling. Policy TA1 of the Local Plan states that the Council seeks to improve road safety, quality of life and equality of access for all, minimising conflict between road users and prioritising the transport hierarchy. Policy TA2 of the Local Plan states all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 of the Local Plan details that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development. Policy TH9 of the Torquay Neighbourhood Plan states that all housing developments must meet the guideline parking requirements contained in the Local Plan, unless it can be shown that there is not likely to be an increase in on-street parking arising from the development or, the development is within the town centre and an easy walk of a public car park which will be available to residents for the foreseeable future.

Appendix F of the Torbay Local Plan states that 2 car parking spaces should be provided for a dwelling. Appendix F states that parking spaces should be 4.8 metres by 2.4 metres except for when they abut the public footpath and/or public highway and then the spaces should be 5.5 metres by 3.2 metres to prevent vehicles from overhanging and causing an obstruction to the public footway and potentially the public highway. The Highways Standing advice notes in section 2 that dual parking spaces will also require 5.5m length by 5.6m width (if no obstruction from adjacent walls).

The Highway Officer has been consulted and has raised no in principle objections, instead referring the application to the standing advice. The proposal will alter the existing parking spaces serving the dwelling resulting in the north western parking area providing full space for two cars. The south west parking area will be retained and steps will be added to the side. This parking space is substandard in width at approximately 2.95m when it should be 3.2m wide however given this is an existing parking space and two full size parking spaces are provided in the north west parking area, this does not raise a concern. This proposal will provide two full size parking spaces which accords with the requirements of TA3 and TH9 and the highways standing advice. Given the parking areas are existing, the access and visibility is considered to be acceptable and will not result in a detriment to the existing circumstances.

Appendix F requires one electric charging point to be provided per dwelling. Appendix F also requires space for two cycles per house. The floor plans indicate that two electric vehicle charging points will be installed and a bike store will be provided at ground floor level. This is considered acceptable and can be secured by planning conditions.

Policy W1 of the Local Plan states that as a minimum, all developments should make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated and with particular reference to residential developments, they should provide adequate space within the curtilage for waste and accessible kerbside recycle bins and boxes. The Waste Officer has confirmed they have no objection to the development. Bin storage has been detailed within the south west parking area and this is considered acceptable and will be secured by a condition.

The proposed development is considered to comply with Policies TA1, TA2, TA3 and W1 of the Local Plan and TH9 of the Neighbourhood Plan.

7. Flood Risk and Drainage

Policy ER1 of the Torbay Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere, whilst Policy ER2 of the Local Plan details how water management should be dealt with. The site is partly located within Flood Zone 3 as shown on the Environment Agency's flood map for planning.

Objectors have raised concerns with the proposed drainage and flood risk associated with the proposed development.

As a small part of the site is within flood zone 3, an exception test is required. To pass the exception test, paragraph 170 of the NPPF says that it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk; and the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Paragraph 171 of the NPPF confirms that both elements of the exception test should be satisfied for development to be permitted.

The Council's Drainage Engineer confirmed that the developer has submitted details of the proposed surface water drainage system for the new development. This incorporates attenuation which discharges at a controlled rate to a soakaway which has an overflow to an infiltration trench. The Drainage Engineer's initial comments were that no infiltration testing has been carried in accordance with BRE 365. The only infiltration testing undertaken was within two boreholes. The Drainage Engineer stated that infiltration testing must be carried out in accordance with BRE 365 at the proposed location and invert level of the soakaway and the infiltration trench. The results of this infiltration testing must be used within the design of the surface water drainage. These along with further detailed comments were raised by the Officer who confirmed they needed to be addressed as part of the application process.

Following receipt of these comments the agent has provided further details on the intended means of drainage. The Council's Drainage Engineer subsequently confirmed that the developer has carried out infiltration testing at the location and invert level of the proposed soakaways. These infiltration tests have been carried out in accordance with BRE365. The developer has submitted a drawing showing the proposed surface water drainage for the development. The surface water drainage will discharge to a soakaway located on their site. The developer has submitted hydraulic calculations to show that the surface water drainage and the soakaway has been designed to cater for the critical 1 in 100 year storm event plus 50% for climate change and 10% for urban creep. Providing the surface water drainage is constructed in accordance with the submitted drawings and hydraulic design there is no objection on drainage grounds to planning permission being granted.

The replacement dwelling will be located in a part of the site with a lower risk of flooding and it has been demonstrated to be safe for its lifetime without increasing flood risk elsewhere. The sustainability of the replacement dwelling is considered in detail within the low carbon/climate change section of the report but is concluded to comply with Policies SS14 and ES1 in respect of low carbon development and adaptation to climate change. The proposal is therefore considered to pass the exception test.

It has therefore been demonstrated that there is no risk of flooding to the dwelling on the site or any increased risk of flooding to properties and land adjacent to the site for

the critical 1 in 100 year storm event plus 50% for climate change and 10% increase in impermeable area for urban creep and the exception test has been passed. A condition is recommended to require the installation of the drainage system detailed and with the addition of this condition the proposal is in accordance with Policies ER1 and ER2 of the Local Plan in respect of flood risk and surface water drainage.

A foul drainage assessment form and a foul drainage statement have been submitted which identifies that foul drainage will discharge to a package treatment plant with the treated effluent then being discharged to a drainage field. The Council's Drainage Engineer has confirmed that no drawing has been submitted showing where the package treatment plant or drainage field are to be located on the site. The infiltration testing that has been carried out is the testing that was undertaken for the surface water drainage soakaway. Foul effluent from the package treatment plant must not discharge to this soakaway and the developer must carry out infiltration testing at the location of the proposed drainage field as identified in guidance note 6 of Form FDA 1A (a minimum of two trial holes with three tests in each trial hole). The results of this infiltration testing can then be used to design the drainage field. Details of the infiltration testing, package treatment plant and drainage field design must be submitted.

Lack of foul drainage details was not a reason for refusal of application P/2023/0170 and was not added as a reason for refusal by the planning inspector on the dismissed appeal. In this instance, given the previous application, which included a larger replacement dwelling, did not require the foul drainage information upfront, it would be considered unreasonable to require this information upfront as part of this application. The application site's garden is generous and it has already been demonstrated that an acceptable surface water drainage system can be accommodated on the site, and it is reasonable to conclude that foul drainage could also be accommodated. A planning condition requiring details of the foul drainage system is therefore recommended to ensure an adequate form of foul drainage is installed. With the addition of the recommended condition the proposal is considered to accord with Policy ER2 of the Local Plan.

8. Low Carbon / Climate Change

Policy SS14 of the Local Plan relates to 'Low carbon development and adaptation to climate change' and seeks to minimise carbon emissions and the use of natural resources. Policy ES1 seeks to ensure that carbon emissions associated with existing buildings (heating, cooling, lighting and energy consumption) are limited.

The design and Access Statement notes:

Good design is a key aspect of sustainable development and a new build solution will allow for the dwelling to be built to the best standards of today, maximising natural light and creating an energy efficient building which balances sustainability without compromising on practicality.

Due consideration will be given to minimising energy consumption as part of our design proposals. This will be achieved through good design, material specification and a range of renewable energy technologies.

We will use a passive approach as far as is possible. This will be based on the hierarchy of Be Lean, Be Clean, Be Green.

'Be Lean' means that we will use less energy. We will adopt a fabric first approach, ensuring very high levels of insulation, and an airtight fabric. The orientation of the building will facilitate passive solar gains on the south-west facade in the autumn, winter and spring, whereas deep overhanging eaves provide protective shading from the summer sun to control overheating.

'Be Clean' means that we will supply energy efficiently. This means for example that we will use mechanical ventilation with heat recovery, and the residual heating need will be supplied by an air source heat pump through efficient underfloor heating.

'Be Green' means that the residual energy demands will be sourced from renewable sources. As such we will adopt photovoltaic on the roof to offset the consumption of the heat pump.

Additionally, a green roof is proposed which contributes to rainwater attenuation, helping to slow any water from the roof and thereby reducing pressure on the removal of surface water from the site. Green roofs also help increase biodiversity and thermal mass. A green roof will help the building sit comfortably and discreetly in the vicinity of the Maidencombe Conservation Area, and contribute towards a nicer outlook from the road level of Brim Hill. In summer time, green roofs also help in avoiding overheating, as evaporation helps reduce the temperature of the roof.

The sustainability measures outlined above are considered reasonable and a condition to secure the measures outlined within the Design and Access Statement including the solar panels detailed on the roof plan is recommended to ensure compliance with Policy. With the addition of this condition the development is in accordance with Policy SS14 and ES1 of the Torbay Local Plan and advice 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 re-development of an existing dwelling to provide a larger dwelling.

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 a replacement dwelling which provides a good quality form of accommodation.

The use of the site for a replacement dwelling would provide an appropriate use and the site is 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 the built environment, heritage, making effective use of the land, ecology, arboriculture, flood risk and drainage. These matters have been considered in detail above.

The environmental benefits identified are marginal in the case of any biodiversity net gain, where it is proposed to require enhancement measures through the landscaping condition. The proposal will include bicycle storage and an EV charging point and sustainable drainage will be required by condition.

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

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:

Not applicable.

S106:

Not Applicable.

CIL:

The CIL liability for this development is Nil.

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:

Not applicable.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the Development Plan policy supports the principle of the development. Whilst the design presented is modern in appearance, it is considered to be of a scale, height, footprint, location and massing which is inkeeping with its built surroundings and the overall physical characteristics within the Village Envelope whilst being sensitively designed to the landscape setting. The report gives consideration to the objections raised and concludes that these issues are not of weight to warrant the refusal of the application and as such it is concluded that the planning balance is in favour of supporting this proposal.

Conclusions and Reasons for Decision

The proposal is acceptable in principle; would not result in unacceptable harm to the character of the area, heritage assets or neighbouring living conditions; would provide acceptable arrangements in relation to highway safety, flood risk and drainage, trees and ecological constraints. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

Officer Recommendation

Approval: Subject to;

The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;

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.

If Members of Planning Committee are minded to refuse the application against officer recommendation, final drafting of the reason(s) will be delegated to the Divisional Director of Planning, Housing and Climate Emergency and in consultation with the chairperson.

Conditions

1. Construction/Demolition Management Plan

No development, including demolition, shall take place until a Construction/Demolition Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include, but not be limited to:

- (a) the parking of vehicles of site operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials used in constructing the development
- (d) the erection and maintenance of security hoarding, where appropriate
- (e) wheel and/or highway washing facilities
- (f) measures to control the emission of dust and dirt during construction
- (g) measures to minimise noise nuisance to neighbours from plant and machinery.
- (h) construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

The approved Construction/Demolition Management Plan shall be adhered to throughout the construction period.

Reason: To safeguard the Local Planning Authority's rights of control over these details to ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the convenience of highway users in accordance with Policy DE3 of the Torbay Local Plan. These details are required prior to commencement of development to secure suitable parameters for the construction phase.

2. EV Charging Point

Prior to the occupation of the replacement dwelling hereby approved, a scheme for the insertion of one electrical vehicle charging point to be located within the site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include design, location, specification and a timescale for insertion prior to occupation. The approved electrical vehicle charging point shall be thereafter available for use, maintained and retained for the lifetime of the development for the associated dwelling.

Reason: To ensure the parking provision of the new residential units in accordance with the requirements of Policy TA3 of the Torbay Local Plan.

3. Landscaping Scheme

Prior to the first occupation of the replacement dwelling hereby approved, a landscaping scheme which shall include full details of the hard and soft landscape works, including an implementation and management plan which incorporates the recommendations of the 'Bat and Bird Assessment', shall be submitted to and approved in writing by the Local Planning Authority.

Details of soft landscape works shall include retention of any existing trees and hedges; finished levels/contours; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

The hard landscape works shall include details of the means of enclosure, walls, boundary and surface treatments and vehicle and pedestrian/cyclist circulation.

All planting, seeding, turfing or hard surfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the first occupation of the replacement dwelling hereby approved or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

The approved landscaping scheme shall be carried out in its entirety and shall accord with the approved details and timetable.

Reason: In the interests of visual amenity and biodiversity in accordance with Policy DE1 and NC1 of the Adopted Torbay Local Plan 2012-2030.

4. Foul Drainage

Prior to the first occupation of the replacement dwelling hereby approved, a scheme for the disposal of foul drainage which shall include details of infiltration testing, package treatment plant design and drainage field design shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter

be undertaken in accordance with the approved details, which shall be installed prior to the first occupation of the development hereby approved and shall thereafter be retained for the life of the development.

Reason: In the interest of securing appropriate foul drainage disposal in accordance with Policy ER2 of the Adopted Torbay Local Plan 2012-2030.

5. Materials Details

Prior to their installation, technical details and/or samples of the proposed exterior materials including wall finishes (including details of the drystone stone walling), roofing materials, eaves, fascias and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and shall be retained as such for the life of the development.

Reason: In the interest of visual amenity and in accordance with Policies DE1, SS10 and C1 of the Torbay Local Plan and Policies TH8 and TH12 of the Torquay Neighbourhood Plan.

6. Joinery Details

Prior to the installation of any external joinery, full details of that joinery shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour. The works shall be carried out in accordance with the approved details and shall be retained thereafter.

Reason: In the interests of the appearance of the development, the surrounding area and adjacent Conservation Area in accordance with Policies DE1 and SS10 of the Torbay Local Plan and Policy TH8 of the Torquay Neighbourhood Plan.

7. Bike Storage

The replacement dwelling hereby approved shall not be occupied until the bike store area detailed on approved plan reference '2201/200' has been provided. Once provided, the bike store area shall be retained for use of the occupants of the dwelling for the life of the development.

Reason: To ensure adequate bicycle storage facilities are provided to serve the development in accordance with Policies TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030 and in the interests of sustainability.

8. Bin Storage

The replacement dwelling hereby approved shall not be occupied until the bin storage area detailed on approved plans reference '2201/201' has been provided. Once provided, the bin storage area shall be retained for use of the occupants of the dwelling for the life of the development.

Reason: To ensure adequate waste storage facilities are provided to serve the development in accordance with Policies DE1 and W1 of the Adopted Torbay Local Plan 2012-2030 and in the interests of sustainability.

9. Surface Water Drainage

The replacement dwelling hereby approved shall not be occupied until the approved surface water drainage scheme has been provided and installed in accordance with the approved plan references '3312 F (Flood Risk Statement and Surface Water Management Report)' and 'FRA20127.2D'. Once installed the surface water drainage scheme shall be maintained and retained for the life of the development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with Policies ER1 and ER2 of the Torbay Local Plan 2012-2030 and the guidance contained in the NPPF.

10. Parking

The replacement dwelling hereby approved shall not be occupied or brought into use until the hardstanding parking areas detailed on approved plan '2201/201' has been provided in full. The hardstanding shall thereafter be permanently retained for the use of parking by the dwelling.

Reason: In accordance with highway safety and amenity, and in accordance with Policy TA3 of the Adopted Torbay Local Plan 2012-2030.

11. Tree Protection

The development shall not be carried out otherwise than in strict accordance with the hereby approved 'Arboricultural Impact Assessment with Constraints Plan and Method Statement AIA-MOU-22' which includes the tree protection plan for the protection of trees both prior to and during construction works.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with Policies NC1 and C4 of the Adopted Torbay Local Plan 2012-2030.

12. External Lighting

No external lighting, other than that detailed in accordance with approved plan '22-222-700 Rev B' shall be installed on the site.

Reason: To safeguard legally protected species, including safeguarding foraging paths for legally protected bats, and in the interests of biodiversity and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

13. Bird Nesting Season

No removal of hedgerows, trees or shrubs or demolition works shall take place between 1st March and 31st August inclusive in any given year, unless prior to the commencement of works a detailed biodiversity survey by a competent ecologist has been submitted to and approved in writing by the Local Planning Authority. The survey

shall include the details of the check of vegetation for active birds' nests immediately before the vegetation is cleared/demolition takes place and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on the site. The development shall then be carried out in accordance with the details submitted.

Reason: In the interests of protected species and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

14. Adherence to Ecology Report

The recommendations and mitigation given in the 'Bat and Bird Assessment' by Orbis Ecology dated 4 August 2023 shall be followed, including precautions to prevent threat of harm during construction works and timings of works.

Reason: To safeguard protected and/or priority species in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

15. Sustainability Measures

The construction of the replacement dwelling hereby approved shall be carried out in accordance with the details contained in the sustainability section of the 'Design and Access Statement' dated July 2023. All measures to limit carbon emissions shall be implemented prior to first occupation of the replacement dwelling including the installation of solar panels as detailed on approved plan reference '2201/202'.

Reason: In interests of low carbon development and in accordance with Policy SS14 and ES1 of the Adopted Torbay Local Plan 2012-2030.

16. Removal of permitted development rights

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended) (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

- (a) Part 1, Class A (Extensions and alterations)
- (b) Part 1, Class AA (Enlargement of a dwellinghouse by construction of additional storeys)
- (c) Part 1, Class B (Additions to the roof)
- (d) Part 1, Class D (Porches)
- (e) Part 1, Class E (Buildings incidental to the dwellinghouse)
- (f) Part 1, Class F (Hard surfaces incidental to the enjoyment of a dwellinghouse)
- (g) Part 2, Class A (Gates, fences, walls etc)

Reason: In interests of visual and local amenity given the sensitive location of the site and the potential for these works to negatively impact on the character and

appearance of the development and adjacent Conservation Area, in accordance with Policies DE1, C1, C2 and SS10 of the Torbay Local Plan and Policies TH8 and TH12 of the Torquay Neighbourhood Plan.

Relevant Policies

DE1 – Design
DE3 – Development Amenity
ER1 – Flood Risk
ER2 – Water Management
NC1 – Biodiversity and Geodiversity
TA1 – Transport and Accessibility
TA2 – Development Access
TA3 – Parking Requirements
W1 – Waste Hierarchy
SS14 – Low Carbon Development and Adaptation to Climate Change
ES1 – Energy
C1 – Countryside and the Rural Economy
C2 – The Coastal Landscape
C4 – Trees, Hedgerows and Natural Landscape Features
SS10 – Conservation and the Historic Environment
HE1 – Listed Buildings
TH8 – Established Architecture
TH12 – Maidencombe Area
THW4 – Outside Space Provision
TE6 – European Protected Species on Specified Sites
TH9 – Parking Facilities