

12 March 2019

Tel: +44 (0) 20 7493 4002
Fax: +44 (0) 20 7312 7548
www.montagu-evans.co.uk

Torbay Council
Planning Department
Town Hall
Castle Circus
Torquay
TQ1 3DR

Dear Sir/ Madam

PAIGNTON – LAND OFF BRIXHAM ROAD (FORMER NORTEL SITE), LONG ROAD TQ4 7BL - PP07676509

We act on behalf of Devonshire Park Limited (DPL), the owner of the former Nortel Site off Brixham Road/ Long Road (the Subject Site). We are instructed by DPL to submit an application to you for the approval of reserved matters (ARM), in relation to a part of it that is to be redeveloped for residential purposes.

This letter is the Planning Statement for the application. It sets out details of the original and current outline permissions to which the reserved matters relate, the site and surrounding area as well as details of the ARM submission. In addition to this letter, the application comprises the following:-

- Application forms, completed and dated;
- CIL forms, completed and dated;
- Plans as listed on the Harris Partnership Issue Sheet 14290A;
- Design and Access Statement;
- Noise Report

Original Outline Permission

The Subject Site, for which outline permission was granted, is large and prominent, located west of Brixham Road and north of Long Road, in West Paignton. The boundaries of it are shown edged red on Plan 1449-PL-006A.

On 22 March 2016 DPL was granted outline planning permission (P/2014/0947/MOA) for demolition of the remaining buildings on the Subject Site and redevelopment of it for mixed use purposes. The approved development comprised up to:-

- 255 Class C3 dwellings;
- 5,574sqm of B1 and/or B8 business and/or warehousing uses;
- 8,501sqm Class A1 (bulky goods) retail with 515sqm garden centre; and
- 139sqm of A3 café /restaurant uses; along with
- Related site access, access roads and paths, parking, servicing, open space and landscaping.

The application was granted permission subject to a Section 106 Agreement of 22 March 2016.

Current Outline Permission

Subsequently, four Section 73 applications have been submitted to, and approved by your Council for minor material amendments to P/2014/0947/MOA. The latest Section 73 approval is P/2017/1041 of 15 December 2017, which permitted:-

The variation of condition on application P/2014/0947 (as amended by S73 applications P/2016/1372, P/2017/0123 and P/2017/0571): (Devonshire Park Housing/Commercial Project). Variation of condition 33 - Maximum retail floor space. Amendment sought: Increase total gross floor area of class A3 floorspace from 139sqm to 167sqm.

This decision includes all of the conditions imposed on the original outline permission, as modified by the three earlier Section 73 applications and to allow for the coffee shop to extend to 167sqm. The amended permissions continue to be subject to the provisions of the Section 106.

Condition 2 of planning permission P/2017/1041 defines the reserved matters as comprising details of layout, scale, appearance and landscaping. Such reserved matters are to be submitted to you within three years of 22 March 2016.

Condition P1 sets out details of the plans that have already been approved by the Council. It states that the development shall accord with the guiding principles of Masterplan 1449-PL-001 rev A and in complete accordance with other plans. These comprise:-

- 1449-PL-006A OS Map/Site Location Plan;
- B14153-001 Proposed Layout (Retail Access);
- W14153-SK-008B Proposed Layout;¹
- 14290-200 Rev C Remediation Phasing;
- 1449-PL-011A Proposed Layout (Pedestrian Link); and
- B14153-002A Proposed Layout (Residential Access).

Masterplan 1449-PL-001 rev A illustrates how the site can be laid out to achieve the level of development permitted for the site. The housing is to the north with an access from Brixham Road, and the commercial uses are to the south, accessed from Long Road. In relation to the commercial uses, the business and/or warehousing uses are to the west, with the Retail Park² to the east. The layout of the B1 and/or B8 area is based upon a warehousing layout.

Plan 1449-PL-001 Rev A shows the approved access from Brixham Way serving the residential area, which is laid out largely in an east-west orientation to reflect the local topography.

Conditions 3-6 require the application for the ARM to be supported by information in relation to the following:-

- The mitigation and enhancement measures set out in Section 6 of the Engain Ecology and Landscape Report (submitted September 2014).
- Bird nesting/bat roosting boxes in the design of the buildings in accordance with the RSPB comments of 24 November 2014, received in relation to the original outline planning permission.
- Noise mitigation measures in accordance with the Noise Impact Assessment by 24 Acoustics, of September 2014.
- Cycle parking and bin storage/waste recycling facilities.

Other Consents

The Subject Site had difficult ground conditions and detracted from the character and appearance of the area. Permission was granted on 22 September 2017 to facilitate the phased remediation and releveling of the Site to prepare it for development; Option 1 (P/2017/0493) and Option 2 (P/2017/0494). These works have been completed.

The Retail Park is Phase 1 of the development; reserved matters for this have been approved and this element of the scheme is under construction.

The Application Scheme

The Design and Access Statement (DAS) explains the proposed development based upon an existing site analysis, and the opportunities and constraints that this presents. Arising from this the concept of the reserved

¹ Proposed Accesses to Employment Land and Retail Park service Yard

² retail, garden centre and café /restaurant uses

matters scheme is set out in terms of proposed connectivity to and through the site, design development and a precedents assessment, to produce a masterplan layout. This layout accords with the guiding principles of the indicative masterplan approved within the outline application.

The DAS goes on to set out details of the proposed house types, including apartment blocks, in plan, elevational and CGI form, along with details of the public realm. This includes lighting details.

The details of the layout, floor plans, elevations and sections, as well as landscaping, are contained the submitted plans and drawings.

Combined, the plans, drawings and DAS provide full details of the layout of the residential element of the Devonshire Park development, along with the scale and appearance of the buildings, and proposed landscaping, as required by condition 2 of the outline permission.

Other Considerations

Condition 5 requires noise mitigation measures to be considered at the reserved matters stage. The enclosed letter from 24 Acoustic explains the application scheme in terms of the requirements of this condition.

Conditions 3, 4 and 6 require the application to include details of ecological enhancement including artificial bat roosts, bird nesting/ bat boxes, as well as cycle parking and bin storage/ waste recycling, which are shown on the plans. Details of the lighting strategy for the site as a whole have been submitted and are, we understand, close to resolution.

Conclusion

We conclude that the proposed development will provide accommodation that is suitable for occupier requirements, and of a high quality design in terms of its layout, scale, appearance and landscaping. The detail of it will accord with conditions 36 in terms of ecology, noise and cycle/waste storage. We conclude that the enclosed details should therefore be approved. However, if you require any clarification please call me on 0207 866 8608.

Yours faithfully


Jonathan Best MRTPI
Partner
Montagu Evans LLP