



Friday, 2 March 2012

## **DEVELOPMENT MANAGEMENT COMMITTEE**

A meeting of **Development Management Committee** will be held on

**Monday, 12 March 2012**

commencing at **2.00 pm**

The meeting will be held in the Ballroom, Oldway Mansion, Torquay Road, Paignton, TQ3 2TE

### **Members of the Committee**

Councillor McPhail (Chairwoman)

Councillor Morey (Vice-Chair)

Councillor Addis

Councillor Baldrey

Councillor Barnby

Councillor Brooksbank

Councillor Hill

Councillor Kingscote

Councillor Pentney

Councillor Pountney

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For information relating to this meeting or to request a copy in another format or language please contact:

**Democratic Services, Town Hall, Castle Circus, Torquay, TQ1 3DR  
01803 207087**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)



# DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**

2. **Minutes**

To confirm as a correct record the Minutes of this Committee held on 13 February 2012.

(Pages 1 - 7)

3. **Declarations of Interests**

(a) To receive declarations of personal interests in respect of items on this agenda

**For reference:** Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of personal prejudicial interests in respect of items on this agenda

**For reference:** A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial 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 Chairman decides are urgent.

5. **P/2011/1056/MPA - 13-39 Langridge Road, Paignton**

Re-advertisement. Revised scheme. Demolition of 28 dwellings and their ancillary buildings and formation of 38 dwellings (previously 43) together with associated parking and amenity areas

(Pages 8 - 19)

6. **P/2011/1276/PA - Short Preston, Brixham Road, Paignton**

Construction of bungalow with vehicle access (This is a Departure from the Local Plan).

(Pages 20 - 23)

7. **P/2011/1358/PA - Ash House, Blythe Way, Paignton** (Pages 24 - 28)  
Stationing of 20 number storage containers for storage use.
8. **P/2012/0110/VC - Unit 10, Vista Apartments, 17 Alta Vista Road, Paignton** (Pages 29 - 32)  
Removal of condition 1 to application P/2003/1605 to allow residential and/or holiday use.
9. **P/2012/0121/MPA - 2, 4, 6, 8, 10, 12, 14, 16 Southview Road, Paignton** (Pages 33 - 40)  
Demolition of 8 dwellings and their ancillary buildings and formation of 12 dwellings together with associated parking and vehicular/pedestrian access and amenity areas.
10. **P/2011/0991/PA - 27 - 29 Walnut Road, Torquay** (Pages 41 - 45)  
Change of use to create a single unit to provide sheltered housing accommodation with warden services for vulnerable adults (Re advertisement)
11. **P/2011/1158/MPA - Dainton Self Store Ltd, Torre Station Yard, Newton Road, Torquay** (Pages 46 - 56)  
Change of use from B8 storage to C3 dwelling houses; formation of 10 townhouses with 3 storeys and integrated garages and off street parking.
12. **P/2011/1352/PA - 10 Thatcher Avenue, Torquay** (Pages 57 - 64)  
Formation of dwelling with 5 bedrooms with vehicular access on the site of a previously approved dwelling.
13. **P/2011/1383/PA - Vospers, 108 Newton Road, Torquay** (Pages 65 - 70)  
Alterations and formation of extension of existing car showroom; construction of new car service workshop including parts storage and staff facilities.
14. **P/2012/0053/HA - 46 Tamar Avenue, Torquay** (Pages 71 - 73)  
Excavation of front garden to form off street parking for 2 vehicles with vehicular access.
15. **P/2012/0078/MPA - Westhill Garage, Chatto Road, Torquay** (Pages 74 - 80)  
Extend time limit - residential development comprising 8 houses, 3 flats, 2 bungalows and 2 maisonettes (15 units in total) with vehicular/pedestrian access - application P/2009/0422.
16. **Public speaking**  
If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or e-mail [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) before 11 am on the day of the meeting.
17. **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 7 March 2012. Site visits will then take

place prior to the meeting of the Committee at a time to be notified.



## Minutes of the Development Management Committee

13 February 2012

-: Present :-

Councillor McPhail (Chairwoman)

Councillors Morey (Vice-Chair), Addis, Baldrey, Barnby, Brooksbank, Hill, Kingscote and Pentney

(Also in attendance: Councillors Amil, Pountney and Thomas (D) )

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### 540. Minutes

The Minutes of the meeting of the Development Management Committee held on 16 January 2012 were confirmed as a correct record and signed by the Chairman.

### 541. Urgent Items

The Committee considered a verbal update raised by the Executive Head of Spatial Planning regarding application P/2011/0324/MPA Site of Paignton Police Station, Southfield Road, Paignton. The Committee agreed to extend the time limit, from that as previously minuted at the meeting of Tuesday 31 May 2011 (38.(v)), for the completion of the Section 106 agreement in relation to the application.

### 542. P/2011/0197 - Land west of Brixham Road, Paignton

The Committee considered an application in respect of the Mixed Use Development of 39 Hectares of land at White Rock, Paignton to construct 350 dwellings , 36,800m<sup>2</sup> gross employment floor space, a local centre including food retail (approx 1652m<sup>2</sup> gross) with additional 392m<sup>2</sup>A1/A3 use and student accommodation, 15 hectares of open space, sports pavilion and associated infrastructure and engineering works to provide access, drainage and landscaping (Outline Application) –which was a departure from the Torbay Local Plan.

Prior to the meeting, written representations were circulated to the Committee and Members of the Development Management Committee undertook a site visit. At the meeting Mike Washbourne and Alan Griffey addressed the Committee against the application and Mark Tyrrell, Graham Stephens and Julian Harbottle spoke in support of the application. In accordance with Standing Order B4.1 Councillor Thomas (D) addressed the Committee.

Resolved:

Approved subject to:

- (i) the receipt of amended plans to show increased lengths of left hand feeder lanes to both Long Road and the new junction and highway;
- (ii) further comments by the Environmental Agency and Natural England regarding the ecological impact of the development being resolved;
- (iii) further information regarding the viability of the development
- (iv) the detail of the heads of terms of the Section 106 Agreement be delegated to the Executive Head of Spatial Planning in consultation with the Chairman for final resolution. The Section 106 Agreement to be signed within six months of the date of this Committee or the application be reconsidered by members. Heads of terms to include the following:
  - a) the early delivery of employment space
  - b) the provision of a minimum of 20% on-site affordable housing
  - c) the delivery of future-proofing infrastructure to serve a Combined Heat & Power supply if the viability is established

If the conditions cannot be agreed the application will be bought back to the Committee.

**543. P/2011/0906 - 1 Fortescue Road, Paignton**

The Committee considered an application in respect of alterations, extensions and conversion to former doctors surgery to form 6 apartments.

Prior to the meeting, written representations were circulated to the Committee and Members of the Development Management Committee undertook a site visit. At the meeting Mr Almosawi addressed the Committee in support of the application.

Resolved:

Approved subject to:

- (i) conditions with regard to detail on cycle parking and waste storage to be agreed by officers
- (ii) the completion of a Section 106 Legal Agreement in respect of green space and recreation, education, lifelong learning and waste & recycling within three months of the date of this committee or the application will be reconsidered by members.

**544. P/2011/1068 - 110 Hookhills Road, Paignton**

The Committee considered an application in respect of removal of porch, alterations to form enlarged tiled roof to cover porch and front of house; build pool/games room at rear in garden.

Prior to the meeting, written representations were circulated to the Committee and Members of the Development Management Committee undertook a site visit.

Resolved:

Refused on the grounds that the proposal would have an adverse impact on the built environment setting and the residential amenity.

**545. P/2011/1112 - EF House, Castle Road, Torquay**

The Committee considered an application in respect of the formation of a terrace to the southern elevation of EF house, to be built over the existing car park; formation of new opening from an existing window in the cafeteria to provide access to the terrace.

Prior to the meeting, a written representation was circulated to the Committee and Members of the Development Management Committee undertook a site visit. At the meeting Daniel Metcalfe addressed the Committee in support of the application.

Resolved:

Approved, with conditions to be delegated to the Executive Head of Spatial Planning in consultation with the Chairman.

**546. P/2011/1142 - 23 Alta Vista Road, Paignton**

The Committee considered an application for the removal of conditions to application P/2008/1436/PA and condition 4 to application P/2008/0961 to allow the 2 owners flats to be occupied without limitation.

Resolved:

Approved.

**547. P/2011/1234 - 11 Brunel Avenue, Torquay**

The Committee considered an application in respect of alterations and extension at side and rear to form sun lounge, study, kitchen and shower room with velux windows (revised scheme).

Prior to the meeting, a written representation was circulated to the Committee and Members of the Development Management Committee undertook a site visit. At the meeting Mrs Preston and her architect addressed the Committee in support of the application.

Resolved:

Approved subject to the conditions and informative set out in the submitted Report.

**548. P/2011/1269 - Land adjacent to 81 Lancaster Drive, Paignton**

The Committee considered an application for the formation of 2 detached dwelling houses with vehicular and pedestrian access.

Prior to the meeting, written representations were circulated to the Committee. At the meeting Lewis Parker addressed the Committee in support of the application.

Resolved:

Approved subject to:

(i) the completion of a Section 106 Legal Agreement in respect of municipal waste and recycling, sustainable transport, education and lifelong learning and green space and recreation within three months of the date of this Committee or the application be re-considered by members and;

(ii) the conditions and informatives set out in the submitted Report.

**549. P/2011/1281 - Land at Diary Hill and 13 Stanbury Road, Torquay**

The Committee considered an application for the formation of vehicle hard standing with vehicle and pedestrian access.

Prior to the meeting a written representation was circulated to the Committee.

Resolved:

Approved subject to conditions and informative set out in the submitted Report.

**550. P/2011/1300 - Site curtilage of Little Preston, Brixham, Road, Paignton**

The Committee considered an application for the formation of a bungalow (This is a Departure from the Local Plan).

At the meeting Simon Blake addressed the Committee in support of the application.

Resolved:

Approved subject to:

(i) the completion of a Section 106 Legal Agreement in respect of waste management, sustainable transport, education and lifelong learning and green space and recreation within three months of the date of this committee or the application be reconsidered by members; and

(ii) the conditions and informative set out in the submitted Report.

**551. P/2011/1315 - Elsinore Villa, Greenway Road, Chelston, Torquay**

The Committee considered an application in respect of the redevelopment of the site with one house and 7 flats, vehicular and pedestrian access; formation of new entrance on Greenway Road; demolition of house and outbuildings.

Prior to the meeting, written representations were circulated to the Committee and Members of the Development Management Committee undertook a site visit. At the meeting Dr Elizabeth Atkinson addressed the Committee against the application and Mr Dent addressed the Committee in support. In accordance with Standing Order B4.1 Councillors Amil and Pountney addressed the Committee.

Resolved:

Refused on the grounds of the impact on the Conservation Area and the proposal would have a negative effect on the amenities of adjacent neighbouring properties and on the grounds of the lack of a Section 106 Agreement.

**552. P/2011/1316 - Elsinore Villa, Greenway Road, Chelston, Torquay**

The Committee considered an application for the demolition of house and buildings.

Prior to the meeting, written representations were circulated to the Committee and Members of the Development Management Committee undertook a site visit. At the meeting Dr Elizabeth Atkinson addressed the Committee against the application and Mr Dent addressed the Committee in support. In accordance with Standing Order B4.1 Councillors Amil and Pountney addressed the Committee.

Resolved:

Approved subject to the condition and informative set out in the submitted Report.

**553. P/2011/1321 - Bench House, Blackball Lane, Brixham**

The Committee considered an application in respect of a temporary change of use of Bench House from residential to site office for the duration of the road widening scheme (approximately 3-4 months).

Resolved:

Approved subject to the condition that there is a six month temporary limit for the change of use, after which time the use would automatically revert to one of residential use. The Executive Head of Spatial Planning be authorised to deal with any adverse representations that may be received after consideration at Committee unless they are in writing and raise objections that relate to justifiable issues which have not been previously considered by Members.

**554. P/2011/1345 - Curledge Street County Primary School, Curledge Street, Paignton**

The Committee considered an application in respect of engineering works to form an access ramp together with the installation of new school gates (revised proposals following planning permission P/2011/0751/R3).

Resolved:

Approved subject to the informative set down in the submitted Report.

**555. P/2011/1351 - Barton County Junior & Infant School, Barton Hill Road, Torquay**

This application was withdrawn by the applicant.

**556. P/2011/1391 - 111 Abbey Road, Torquay**

The Committee considered an application for the change of use and conversion of a disused hotel to 8 residential apartments with 2 bedrooms and associated building works; demolition works.

Prior to the meeting, a written representation was circulated to the Committee and Members of the Development Management Committee undertook a site visit.

Resolved:

Approved subject to:

- (i) the completion of a Section 106 Legal Agreement in respect of municipal waste & recycling, sustainable transport, lifelong learning and green space & recreation within six months of the date of this Committee or the application be re-considered by members; and
- (ii) the conditions set out in the submitted Report
- (iii) further negotiations on design

**557. P/2011/1392 - 111 Abbey Road, Torquay**

The Committee considered an application in respect of demolition works.

Resolved:

Approved Conservation Area Consent subject to further information on the extent of the external alterations proposed.

**558. P/2012/0008 - 302 Dartmouth Road, Paignton**

This application was withdrawn by the applicant.

Chairman

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# Agenda Item 5

**Application Number**

P/2011/1056

**Site Address**

13-39 Langridge Road  
Paignton  
Devon  
TQ3 3PT

**Case Officer**

Mr Scott Jones

**Ward**

Blatchcombe

**Description**

Re-advertisement. Revised scheme. Demolition of 28 dwellings and their ancillary buildings and formation of 38 dwellings (previously 43) together with associated parking and amenity areas

**Executive Summary/Key Outcomes**

The proposal is a housing redevelopment scheme for a site in a residential suburb of Paignton, which seeks to replace 28 post war 'Cornish' units with 38 new dwellings with associated parking, access and amenity space. Although the site currently stands empty and boarded-up it previously provided social affordable housing, and the scheme will maintain this particular housing use.

The removal of the existing uncharacteristic building form is considered positive and the replacement scheme, due to the scale, layout and design of dwellings, is deemed to provide a suitable residential solution for the land, which will sit comfortably within the area and offer an attractive living environment for future occupants.

Specifically the scheme retains and strengthens the street frontage in the area, which will successfully frame the highway and sit comfortably within the wider built environment. In addition the layout, together with the orientation and distances to other properties, is considered to maintain suitable levels of amenity to neighbouring occupiers with no demonstrable loss of privacy, light or outlook. The introduction of development to the rear is deemed suitably submissive in terms of numbers and scale, comprising low-lying bungalows that limit the impact of development in an area of the site that was previously undeveloped.

Negotiations have secured clear improvements to the scheme as it has progressed. The density of development has been reduced, which has improved the residential environment within the scheme and how it is perceived from the street and adjacent plots. Specifically units have been taken off the frontage to improve gapping and lessen the terracing effect, and a number of units have been removed from the rear to improve the residential environment and lessen potential impact on neighbours. Negotiations have also resulted in the

introduction of bungalows to the rear, which has provide dual benefits in respect to reducing potential impact upon adjacent plots whilst also offering a more balanced and mixed housing stock through the scheme. These changes have also brought about the potential to improve the common areas in order to offer less prominent access and parking areas and an enhanced 'greening' of the site as a whole.

The scheme, as it now stands, is considered to provide a suitable marriage between the need to uplift the density of development to enable the social benefit of a non-market housing scheme to be provided, whilst ensuring that the layout and design is a sustainable and attractive living environment.

Ultimately the scheme is considered to be a positive solution for the residential redevelopment of the site, which will provide social-rented affordable housing built to modern building and living standards that will help meet the need for affordable homes in Torbay.

### **Recommendation**

Site visit; Conditional approval (suggested conditions as laid out at the end of this report) delegated to the Executive Head of Spatial Planning; subject to the signing of a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning (within 6 months of the committee date).

### **Site Details**

The site is the combined curtilage of residential plots numbers 13 through to 39 (odds) Langridge Road that currently holds fourteen two-storey semi-detached residential 'Cornish' style units, which are subdivided to provide 28 dwellings. The present buildings, which externally are a mix of pre-cast concrete panels and upper floor clay tiles set under clay tiled pitched roofs, feature front and rear gardens with pedestrian access. There is no off-street parking for these units.

In terms of site context the surrounding properties are arranged in a mix of short terraces and semi-detached dwellings and they take a locally typical form with painted render elevations set under pitched tiled roofs.

There are no built or landscape designations over the land.

### **Detailed Proposals**

The scheme seeks to replace 28 existing dilapidated and outmoded 'Cornish Units' with 38 dwellings. The redevelopment proposal offers a mix of dwelling types, which will include 2-bed houses, 3-bed houses, 4-bed houses and 2-bed bungalows. The majority of the dwellings front the road and maintain a framing of the street, however development is also introduced towards the rear of the site to make efficient use of the land.

The external form of the proposed dwellings is simple and modern, with elevations predominantly of white render, supplemented by areas of cedar cladding and brickwork. Roofs are largely gabled, with occasional hips introduced, and all are finished in fibre cement slates. Front curtilages remain largely open but reinforced by landscaping and the rear gardens are delineated by boarded timber fencing and pockets of landscaping.

The units fronting the street are supplied in a number of short terraces that are pushed forward of the existing building line by between 2 and 6 metres. Small areas of front garden are supplied, which in areas are supplemented by adjacent highway verge.

Between the terraces three access points lead to landscaped parking courts and detached bungalows to the rear.

The redevelopment introduces off-street parking where non currently exist, with 42 parking spaces to supplement the existing 13 street bays on highway land to the front of the site.

### **Summary Of Consultation Responses**

*Affordable Housing Team:* All of the units on this site are to be developed as affordable housing which is to be commended due to the high need for affordable homes in Torbay. The Council's Housing Needs Survey shows demand across the spectrum of house sizes and the recent Housing Market Assessment indicates a high need for all house types in Torbay with a particular need for affordable rented accommodation. The waiting list figures support this with currently 3101 households on the waiting list for rented accommodation, a further 357 households on the South West Homes waiting list for shared ownership accommodation and a further 27 households currently in temporary accommodation.

This development comprises a good mix of house types and sizes and will also contain a number of wheelchair accessible properties which are rarely provided on private developments. This site forms part of a wider regeneration project to replace the current defective accommodation that is currently lying empty with more efficient modern accommodation that people want to live in. These homes will go a long way to meeting housing need for local people and consequently Housing Services are supportive of this application

*Highways Department / Strategic Transportation:* Highways request that the access lanes to the rear parking courts are a minimum 4.8metres wide to allow vehicles to pass. Highways would only seek to adopt land to the back of the footway, which would mean that the parking courts are not required to be adopted. The footway/access areas should be a shared space, which would

require a dropped crossing at the entry points. If applicable planning contributions inline with the Authority's adopted policy should be sought towards the provision of new bus shelters, local footway improvements and road markings, cycle link improvements and improvements to the local section of the major distributor road network.

*Arboricultural Team:* No objection, subject to the submission of a revised landscaping plan, by condition, to secure appropriate mitigation for tree loss across the site. The existing trees are considered to be acceptable for removal given that they are the normal mix of self set trees emerging from boundaries, unmanaged landscape trees, ornamental garden plantings, etc. Whilst, they add interest to the local area given the elevated positions, when looked at in more detail each tree / tree group contains defects or limited life spans that would prevent them from being a constraint to any development. Study of the supporting landscape mitigation plan indicates a desire of the design team to redress the large loss of amenity tree cover that would follow any permission. The species choice does not contain any tree species that would mature into the local or parts of the wider landscape. This may be due to limited space having been designed into the scheme for tree planting. There is likely to be a net loss of tree cover in the long term and therefore some remodelling of the layout is required to allow for sustainable tree planting of larger sized trees. Recommendation is that the scheme is acceptable for approval on arboricultural merit with a condition to be attached that pre commencement a revised landscaping plan be supplied that address's points noted above. A revised landscaping scheme has been submitted and comment on this is pending, which may negate the need for further submissions/or condition.

*South West Water:* No objection to the scheme subject to foul and surface water flows being kept separate.

*Drainage Department:* The proposal confirms that foul sewerage will be discharged to the mains sewer and surface water will be disposed of via the main drainage system and soakaways. Where surface water is identified to drain to soakaways the developer must carry out trial hole and infiltration tests at the locations of the soakaways in accordance with BRE 365. Although work has been undertaken the design of soakaways must be in accordance with BRE 365 and designed to cater for 1:100 year storm event plus allowance for climate change. Details should be submitted for approval prior to development.

*Environmental Protection Team:* There is no indication that there is any concern regarding contaminated land.

### **Summary Of Community Involvement and Public Representations**

#### *Community Involvement -*

A statement of community involvement has been submitted with the application

outlining that public consultation has been undertaken. An earlier version of the submitted scheme was open to public involvement via a consultation event held in May 2011. Comments made during the event included:-

1. favourable view of the redevelopment schemes already done in the area
2. bungalows are a positive addition that could help provide a varied community
3. the provision of parking within the site was welcomed
4. welcomed houses over flats
5. bins in private areas was positive
6. good location for more family housing with parks close by

*Public Representations -*

Following re-advertisement of the revised scheme for 38 dwellings two representations have currently been received.

Prior to this following an earlier advertisement period for a scheme for 43 the following had been received;

1. A petition with 10 addresses from occupants of Langridge Road (and one from Clennon Rise) has been received with a covering letter outlining the following observations:

- New houses will be closer to the homes opposite
- Heights of new buildings will give an impression of being enclosed and overlooked due to properties opposite being slightly lower
- Suggest double yellow lines are placed opposite due to road width, as owners have always parked opposite the old flats
- Bins will be parked in front of new houses as TOR2 will not go off road to collect at rear
- Residences opposite are all privately owned and the impact of development would have on highway safety, even though car parking available
- Overdevelopment of the site will be visually obstructive and harmful to neighbours amenity.

2. Six further letters of representation had been received, largely from occupants of Jasmine Grove. These letters express concern over the impact upon neighbour amenity due the scale, location and elevated position of development to the rear, which may result in loss of privacy and overlooking, reduce light and also through overdevelopment, result in congestion.

The public representations are re-produced at Page P.202.

**Relevant Planning History**

None over the site but various demolitions and redevelopment proposals have been built-out within the area.

## **Key Issues/Material Considerations**

### **Principle and Planning Policy -**

The key policy issues are considered to be;

- i) The principle of development,
- ii) Visual implications, largely around scale, layout and design,
- iii) Neighbour amenity considerations,
- iv) Highway matters, parking and access,
- v) Arboricultural issues
- vi) Ecology

#### ***i) The principle of development -***

Firstly, demolition and replacement of the existing buildings, which in visual terms are uncharacteristic for the area, not of any great merit and are in poor condition, is considered acceptable and should be supported. The homes have been considered for renovation, however, due to their construction and condition this was not an economically viable course of action.

In regard to the redevelopment it proposes a straightforward replacement of residential with residential. In addition, the tenure is proposed to match the existing in terms of the provision of affordable homes.

In regard to the principle of increasing the density of development and the number of units local and national policy does seek to encourage the most efficient use of previously developed land. In this specific case the existing plot depths are generous and there appears inherent potential to supplement the historic frontage development if done sensitively in order to protect existing amenity and offer attractive living environments within the plot. The submission, as it now stands, with reduced numbers and scale of units to the rear, appears to strike the correct balance as the plots do not appear overly cramped and the likely impact upon on adjacent occupiers is unlikely to be detrimental.

#### ***ii) Visual implications, scale, layout and design -***

The scheme provides units of a suitable scale reflective of the overriding domestic building form in the area, that being two-storey pitched roof dwellings, arranged in short terraces or as semi-detached properties. The layout respects and strengthens the frontage to Langridge Road, which is welcomed, and where building lines are brought forward the move is not considered explicitly harmful when taken in context. It is noted that the building line has been brought forward from the established line by between 2-6 metres in places, but also in places it has been regressed. When looked at holistically the reduced distance to edge of curb in places is considered acceptable as highway verge and landscaping opportunities appear to offer the ability to retain a form of green frontage through the site.

In regard to the courtyard development the general arrangement is considered acceptable within the context of the accepted desire to efficiently utilise previously developed land. The existing plots are over generous in depth to what is often provided within modern housing schemes. In regard to the specific relationship within the development, the distance between frontage and courtyard buildings has been maximised when considering the constraints of the site. This relationship has been improved by the removal of pairings to the rear to offer single detached units in the most part, thus giving a greater degree of space.

The scheme includes space for and access arrangements to serve bin storage and cycle sheds to the rear of the plots.

The absence of prominent parking areas is also welcomed with areas broken up in to pockets and softened by landscape planting.

The scheme is considered to offer frontage development supplied in a terraced form to a scale akin to that found locally, supplied in a form and finish more typical of the area than that of the 'Cornish' unit design. The units introduced to the rear are low-lying and their number is suitably limited in order to offer a satisfactory layout and general relationships. The parking is pocketed through the site, which reduces the visual impact, and targeted planting would appear to offer strategic greening that will improve views through the site and screen prominent borders.

### ***iii) Neighbour amenity considerations -***

The key issues in regard to neighbour amenity are the impact upon local parking pressures, potential overlooking/loss of privacy, and loss of light or outlook.

Although the proposal provides a net increase of dwellings provided within the site, the redevelopment also offers the opportunity to actually lighten local parking pressures through improved parking provision. At present the existing dwellings are not supported by any degree of off street parking and thus previously the site gave rise to 28 households seeking street parking. This previous level of parking pressure produced from the occupancy of the site would be alleviated by the scheme proposed. The proposal, by developing through the plot to the rear via three access points, provides pockets of off street parking throughout the site and as such offers convenient parking for all households. This is achieved without a significant loss of on-street parking and the net result is that although the scheme will deliver 10 more units, it will also introduce 42 off-street parking spaces where non exist, which would give a clear improvement over the previous parking situation.

In terms of privacy, light and outlook although the proposal is of a similar domestic scale, which helps minimise any further impact over the existing, there is a change to building lines and the introduction of buildings to the rear of the

site. Where these changes occur the interrelationship should obviously afford protection to current amenity levels.

Firstly in regard to the frontage development although the buildings do (largely) move towards the highway they are not considered to determinately affect the amenity afforded occupiers opposite across the road, and the front-to-front distances that are involved are not uncustomary for this residential area. Due to the scale and distances involved privacy levels would also not be affected, nor would outlook or levels of light.

In respect to the northwestern boundary the proposal seeks to maintain the current side building line and the two-storey scale of development. Although the footprint is pushed back in the plot by a few metres the relationship with the adjacent dwellings is considered to remain largely unaltered. There is therefore no concern at this corner of the plot.

On the wider western boundary the proposal seeks to provide three short terraces book-ended to the South with a bungalow. The relationship here with properties to the rear off Honeysuckle Close appears acceptable with distances retained above 20metres from property to property. To the south where distances are reduced the orientation of the dwellings and the drop in topography is considered to maintain appropriate levels of privacy and other amenity concerns.

In regard to the amenity concerns in respect to occupants of plots in Jasmine Grove adjacent to the southern border where development is to be introduced, careful consideration has been given throughout in order to have arrived at this negotiated scheme. Through the process negotiations have led to the introduction of bungalows for all of the development along this southern border, which is considered to have drastically lessened any concern on overlooking or loss of outlook or light. As the properties within Jasmine Grove are largely set approximately one storey lower, due to a drop in land levels, the introduction of one-storey units with hipped roofs is considered to retain the enjoyed level of privacy, outlook and light. Roofscapes may be visible at upper floor levels over the proposed border fencing and planting, however the ability to view buildings is not considered an issue of amenity.

At the eastern border of the site the end terrace, although pushed forward and slightly closer to the side boundary over the current dwelling, the layout appears to offer a suitable separation between side elevations that maintains existing amenity.

***iv) Highway matters, parking and access -***

Parking bays and manoeuvring space will be provided in accordance with adopted size guidelines. The number of on-site spaces also accords with

adopted policy, whereby it proposes 42 spaces for the 38 units. The scheme is also loosely supported by the historic existence of 13 highway bays in front of the development.

The design solution of three fingers of access into the site is supported as it looks to retain maximum curb-side parking through offering parking within pockets to the rear of the plot. The parking areas are also suitably framed by dwellings which will offer natural surveillance of these areas. Furthermore, negotiations have led to improvements to the hard and soft landscaping of these areas in order to improve the attractiveness of these areas.

All matters considered, including that the scheme is supported by the Authority's Highways Department, the parking and access arrangements are considered acceptable.

***v) Arboricultural issues -***

The sites holds a mix of self set trees emerging from boundaries, unmanaged landscape trees and ornamental garden planting. En masse they add interest to the local area, but it is also accepted that most tree/ tree groups contain defects or limited life spans that would prevent them from being a constraint to any development.

The supporting landscape mitigation plan indicates a desire of the design team to redress the large loss of amenity tree cover that would follow any permission. Appreciating this, although there is likely to be a net loss of tree cover in the long term, there is potential for some remodelling of the landscape layout to address this

A revised landscaping scheme has been submitted with the amended plans for 38 dwellings, and comment on this from the Council's arboricultural officer is pending.

With consideration of the above the scheme is considered to be acceptable for approval on arboricultural merit, with a condition to be attached that pre commencement a revised landscaping plan be supplied that addresses points noted above if necessary.

***vi) Ecology -***

In support of the application a habitat survey and bat emergence survey have been submitted. The habitat survey identifies Japanese Knotweed, Montbretia and slow worms on the site. It advises that it would be preferable for the Japanese Knotweed and Montbretia to be eradicated from the site and this can be dealt with by means of an informative. The slow worms would need to be moved from the site ahead of site clearance and this can be addressed by means of a condition. The bat survey concludes that there are no bat related

implications to the proposed demolition of the buildings.

### **Closing the gap -**

The scheme proposes the replacement of out-of-date social housing with modern units, which will provide modern living in a sustainable location supported by suitable outdoor amenity space and parking provision, all within an established residential area. The proposal looks to use the land more efficiently and in doing so proposes to provide 10 additional social-rented units through rationalising the potential of the site where 28 currently sit. The scheme, which comes with the support of the Authority's Affordable Housing Team, is considered a positive step in uplifting the residential environment for those in need of social housing.

Additional social / economic benefits of this scheme include;

1. The utilisation of local tradesmen through the Kier formal supply chain for subcontractors who are based in close proximity of Torbay. The scheme itself is expected to offer up such opportunities for 60-70 people.
2. The scheme is part of a wider redevelopment and investment programme for the area worth around £9million that is seeking to be brought forward to offer up homes within the next 14 months.
3. Kier are also committed to providing employment and training opportunities and are working in partnership with Shekinah Mission's "RE:Work" initiative that helps supports those marginalised in society.
4. Opportunities for skills development through the recruitment of students and young apprentices from within the area.

### **Climate change -**

The proposal removes outdated living units set within large plots and provides the opportunity for the more efficient use of land and the supply of more energy efficient modern housing. The result being that the units are more easily maintained, cost less to heat and run, and thus reduce the resultant energy need per unit.

### **S106/CIL -**

Inline with Council adopted Policy 'outer ring' sustainable development contributions for affordable housing schemes are not sought. The proposal would however be subject to a S106 agreement with clauses to ensure that should the scheme not come forward as a 100% affordable scheme that it should deliver the policy requirement of 30% affordable housing and the suite of sustainable development contributions in respect to transport, greenspace,

education, lifelong learning and waste.

### **Conclusions**

The principle of the proposal is considered acceptable. The redevelopment of outdated and somewhat dilapidated housing units with new, more energy efficient units supplemented with private parking and private outdoor amenity space, is considered wholly positive.

The negotiated reduction in numbers and the removal of two-storey development adjacent to the southern border, has satisfied previous concerns in respect to density and the protection of wider levels of amenity

There appears a number of social and economic benefits from the scheme, officers recommend a positive resolution with suitable conditions in order to secure a satisfactory scheme and detail.

Should the above be acceptable, the scheme should be supported by a s106 legal agreement in terms acceptable to the Executive Head of Spatial Planning.

### **Conditions**

- Submission of external materials
- Submission of detailed finishes
- Submission of a detailed hard and soft landscaping scheme & the delivery thereof
- Submission of details on all retaining structures
- Provision of parking facilities as laid out
- Provision of secure cycle parking facilities as to be agreed
- Provision of private and communal bin storage areas as to be agreed
- Provision of details in respect to Sustainable Urban Drainage
- Removal of Permitted Development Rights
- Relocation of slow worms

### **Relevant Policies**

- NC5 Protected species
- BES Built environment strategy
- BE1 Design of new development
- HS Housing Strategy
- H9 Layout, and design and community aspects
- TS Land use transportation strategy
- T3 Cycling
- T25 Car parking in new development
- T26 Access from development on to the highway
- W7 Development and waste recycling facilities
- LS Landscape strategy

L10 Major development and landscaping  
PPS1 Delivering Sustainable Development  
PPS3 Housing

# Agenda Item 6

**Application Number**

P/2011/1276

**Site Address**

Short Preston  
Brixham Road  
Paignton  
Devon  
TQ4 7BA

**Case Officer**

Mr Alexis Moran

**Ward**

Blatchcombe

**Description**

Construction of bungalow with vehicle access (This is a Departure from the Local Plan)

**Executive Summary/Key Outcomes**

The application seeks permission for the addition of a bungalow in the grounds of the property known as Short Preston which is sited off of the Brixham Road, Paignton.

The Local Plan allocation of the land highlights it for employment and as such the addition of a residential unit here is considered to be a departure from the Local Plan.

However the site is clearly in a residential section of this land allocation and appears to be in scale with, and designed in relation to, its surroundings.

**Recommendation**

Approval.

**Site Details**

The proposal site relates to the rear garden of Short Preston which is located on a private cul-de-sac off of the main Brixham Road (A3022) in Paignton. Adjacent to the site is the existing Sainsbury's superstore on Brixham Road, and to the East there are four residential properties.

The application site is within a wider employment land allocation (E1.16c) within the Saved Adopted Torbay Local Plan (1995-2011) and as such, the proposed development for a residential property is a departure from the Local Plan.

**Detailed Proposals**

The application seeks permission for the addition of a 3 bedroom bungalow. The proposed new dwelling is to be sited in the rear garden of Short Preston and has an integral garage located to the front.

The proposed dwelling is to be 18.8 metres in length to the front of the integral garage and 12.8 metres in length to the main body of the house. The propped bungalow is to be 17 metres in width with an overall height to ridge of 5.6 metres and a height of 2.4 metres to eaves level.

The new property will be accessed via a new entrance onto the Brixham Road (A3022). The garden boundary of the property will be enclosed by the addition of a 1.8 metre high timber boundary fence.

### **Summary Of Consultation Responses**

*Highways:* A revised plan has been submitted which shows a clear visibility play of 70 metres and is therefore acceptable.

### **Summary Of Representations**

None.

### **Relevant Planning History**

P/2011/1300 Site Curtilage Of Little Preston Formation of bungalow (This is a Departure from the Local Plan) approved by dev man comm. 26.01.2012

P/2010/0289 Mixed use development to form approx 220 dwellings, approx 5,600 SQM gross of employment (B1) floorspace, local centre and public open space with roads and car parking (In Outline)– approved by Development Management Committee 30.04.2010

ZP/2010/0327 Pre-application enquiry for the addition of a pair of semi-detached dwellings – officer support was given.

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

The key issues to consider in relation to this application are the impact it would have on the character and appearance of the streetscene and the amenity and privacy enjoyed by the occupiers of neighbouring properties.

The proposed dwelling will not be highly visible in the surrounding area due to its size and siting. Similarly due to its size and orientation, it is considered that the proposal would not have a detrimental impact on the privacy and amenity of neighbouring properties.

Although the area in which the site is located is allocated as employment land it is clear that this specific area is currently residential. Bearing this in mind and the approval of a mixed use development of residential and employment on the adjacent land (P/2010/0289) it is considered that the principle of an additional residential unit here is acceptable.

### **S106/CIL -**

The application has been assessed against the Council's policy in respect of planning contributions. A contribution will be required in this case, calculated as follows:

On the basis that the new accommodation will comprise of a residential unit with over 120sq metres of gross internal floor area:

Contribution for dwelling:

Waste Management	£ 50.00
Sustainable Transport	£ 3,610.00
Education	£ 1,660.00
Lifelong Learning	£ £470.00
Greenspace and Recreation	£ 2,370.00

**TOTAL FOR DEVELOPMENT £ 8,160.00**

### **Conclusions**

The proposed building is considered to be appropriate for conditional planning approval, having regard to all national and local planning policies and all other relevant material considerations. Subject to the submission of a planning contribution as outlined above.

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

01. The development shall not be used/occupied until the vehicle parking areas and driveway shown on approved detailed plans have been provided and made available for use. The areas shall be kept permanently available for parking purposes to serve' the development.

Reason: To ensure that adequate off-street parking is provided in accordance with policy T25 of the adopted Torbay Local Plan 1995-2011

02. The building shall not be occupied until the vehicular access has been constructed in accordance with the plans hereby approved.

Reason: In the interests of highway safety and in accordance with policy T25 of the saved adopted Torbay Local Plan 1995-2011

### **Informative(s)**

01. Town and Country Planning (General Development Procedure) (Amendment) Order 2003.

The proposed development has been tested against the following policies of the

Development Plan and, in the opinion of the Local Planning Authority, is not in conflict with the following policies:

BES, BE1, H9, E1, T25 & T26.

**Relevant Policies**

- BES Built environment strategy
- BE1 Design of new development
- H9 Layout, and design and community aspects
- E1 New employment on identified sites
- T25 Car parking in new development
- T26 Access from development on to the highway
- CF6 Community infrastructure contributions
- CF7 Educational contributions

# Agenda Item 7

## Application Number

P/2011/1358

## Site Address

Ash House  
Blythe Way  
Paignton  
Devon  
TQ4 7DD

## Case Officer

Mr John Burton

## Ward

Blatchcombe

## Description

Stationing of 20 number storage containers for storage use.

## Executive Summary/Key Outcomes

The land is allocated in the Saved Adopted Torbay Local Plan for employment purposes (under policy E1.14), and this policy makes clear that B1 and B8 uses would be acceptable. The current proposal fits in with this. It also satisfies the terms of policy E6 which seeks to retain land used or zoned for employment purposes. So there are no overriding policy objections to the proposal. The proposal would generate very little traffic and the access road is an industrial estate road, so there are no highways concerns. Appearance wise the land would still retain an open uncramped feel, although given that the land is zoned for industrial purposes, this need not be an issue. The main issue is therefore the potential impact upon the neighbouring residential properties on Grampian Close. However, given the approved designation of the land and its potential uses, this application is considered to be one of the least harmful uses in terms of impact, visual amenity, noise and traffic.

## Recommendation

Subject to a Member Site Visit; Conditional approval.

## Site Details

The application land is a vacant site of approx. 288 sq. m. in size, not previously developed, but zoned for industrial (B class) purposes, within the Yalberton Industrial Estate. The site is reached off Blythe Way and is situated adjacent to the existing Austin Knapman site. The residential development at Grampian Close lies adjacent to the site's northern boundary occupying the area between Stoke Road, Totnes Road and Borough Road. Part of the site was landfilled in the 1960s and has a landfill gas monitoring system installed.

## Detailed Proposals

Permission is sought for the siting of 20 painted steel storage containers, measuring approximately 2.4m (width), by 6m (length) and 2.6m (height). They

are shown arranged in an angled echelon formation towards the middle of the site on a rolled and compacted hardcore base. Access is shown off Blythe Way. An existing security fence has already been erected along the boundary with properties fronting Grampian Close to the north. A planting strip is proposed between these properties and the storage containers.

### **Summary Of Consultation Responses**

*Highways* : No objections.

### **Summary Of Representations**

Representations have been received so far from 3 separate addresses. The main concerns are as follows:-

- The boundary treatment with properties on Grampian Close
- Loss of amenity
- Loss of light
- Noise
- Overlooking
- Level of screen planting
- Eyesore
- Potential for stacking the units on top of each other

These are re-produced at Page P.200.

### **Relevant Planning History**

P/2011//0033            Formation of a 2.4 metre high security fence, Approved 7/4/2011.

P/2009/1080            Installation of concrete batching plant, site office, materials bays, security fencing and gates with vehicle access. Was recommended for approval to Development Management Committee in January 2010, but proposal was withdrawn by the applicant before determination.

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

#### **Principle and Planning Policy -**

The land is allocated in the Saved Adopted Torbay Local Plan for employment purposes (under policy E1.14), and this policy makes clear that B1 and B8 uses would be acceptable. Whilst a more traditional B1 use would generate more employment opportunities, the policy does allow for B8 (storage and warehousing uses). The current proposal fits in with this. The policy is clear that smaller sites under 2 hectares in size will not need to include measures for the provision of sustainable transport or travel plans, landscaping or environmental improvements as part of the development scheme. The proposal satisfies the terms of policy E6 which seeks to retain land used or zoned for employment

purposes. Whilst the proposal would not create many new jobs, the proposal does satisfy the terms of policy E1 of the Saved Adopted Local Plan, and therefore also meet the terms of [policy E6. So there are no policy objections to the proposal.

**Economy -**

This is not clear with the application, although it is unlikely to be significant. However, given that the proposal is in accordance with the terms and conditions of policy E1, it is not considered that a lack of employment opportunities could be a reason for refusal.

**Accessibility -**

The proposal would generate very little traffic, after the initial positioning of the containers. Other similar facilities in the bay, such as Dainton at Torre Station have many more storage containers and operate without known highways difficulties. The access road leading to the site (Blythe Way) is an established industrial estate road, and has been developed with industrial access in mind. The site layout would give plenty of room for the parking of vehicles and manoeuvring. There is really little point in having public transport access to such a facility, as most access would be the delivery or collection of goods to and from the storage units. There is an existing footpath along both sides of Blythe Way. So there are no highways concerns.

**Landscaping and visual amenity -**

This is primarily land within a collection of industrial uses within an industrial estate and so appearance and screening from within are not crucial. The residential properties on Grampian Close do deserve some screening to protect their views, privacy and general amenity. It is noted that a landscape screen is indicated, and it is felt that this could be successfully dealt with by way of a standard condition to safeguard the adjacent residential properties. In any event, it is a fact that this proposal will generate significantly less impact by reason of noise, lighting, activity, overlooking, and loss of amenity in general than could be the case for many other industrial proposals that policy E1 would allow on this site. In this regard, it should be noted that the designation of this land for industrial purposes predates the development of the residential properties, and so occupiers should have been made aware of the potential of the site before purchase.

**S106/CIL -**

It is unlikely that a proposal such as this would ever generate any reasonably identifiable impact upon public transportation provision, as most access and use of the site is inevitably going to be by private transportation. In any event, even if one applied the standard public transportation contribution as given in the adopted SPD (LDD6), this would be offset by the reduction in any amount due by virtue of job creation. None of the other standard categories are considered to

be appropriate, and therefore officers have concluded that the proposal should not be subject to a legal agreement seeking a Planning Obligation for financial payment as there would not be likely to be any costs arising from the proposal that would otherwise have to be met by the Council.

### **Conclusions**

The proposal meets the requirements of the policy considerations that govern the use of this land. The site has been vacant for many years and any appropriate and acceptable use should be encouraged. Officers are happy that conditions can be utilised to protect the amenities of the residential properties on the northern side of the site. The use would generate very little vehicular traffic, and although some vehicles attracted to the site could be large, the site is within an industrial estate where the road network has been provided to cater for such uses. There are no other interests of acknowledged importance that would prevent the application being determined positively.

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

01. The containers used in association with the storage use hereby approved shall be at single level only (no stacking) and no higher, unless otherwise agreed in writing by the Local Planning Authority.

Reason To minimise the visual impact of the development, particularly upon those properties on Grampian Close, and to meet the criteria of Policy BES of the Saved Adopted Torbay Local Plan 1995 to 2011.

02. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development) whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 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 a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason In the interests of the amenities of the area, and to accord with policies BE1 and BE2 of the Saved Adopted Torbay Local Plan.

03. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason In the interests of the amenities of the area, particularly those residential properties on Grampian Close, and to accord with policies BE1 and BE2 of the Saved Adopted Torbay Local Plan.

**Relevant Policies**

- E1 New employment on identified sites
- E6 Retention of employment land
- E9 Layout, design and sustainability
- EP4 Noise
- EP5 Light pollution
- T25 Car parking in new development
- T26 Access from development on to the highway

**Application Number**

P/2012/0110

**Site Address**

Unit 10  
Vista Apartments  
17 Alta Vista Road  
Paignton  
Devon  
TQ4 6DA

**Case Officer**

Mr Alistair Wagstaff

**Ward**

Roundham With Hyde

**Description**

Removal of condition 1 to application P/2003/1605 to allow residential and/or holiday use

**Executive Summary/Key Outcomes**

The application seeks permission for the removal of a restrictive condition to allow the unit to become residential.

When considered against TU6 it is considered that the removal of the restrictive condition is acceptable and other units in the block and the wider area have already gained permission for similar proposals.

**Recommendation**

Approval.

**Site Details**

Purpose built block of holiday apartments situated on the south side of Alta Vista Road. Specifically this application relates to unit 10.

**Detailed Proposals**

Permission is sought to vary condition 1 of the original planning application (P/2003/1605) for the holiday apartments to allow unit 10 to be used as an unrestricted residential dwelling.

**Summary Of Consultation Responses**

None.

**Summary Of Representations**

None.

**Relevant Planning History**

Other concurrent applications for Alta Vista Apartments.

**Key Issues/Material Considerations**

The starting point for consideration is the fact that the property is a medium sized block of holiday flats situated within a Principle Holiday Accommodation Area, as defined by policy TU6.9 of the Saved Adopted Torbay Local Plan. As originally approved by the Council, the purpose of this policy was to resist changes of use away from holiday accommodation where that change would be detrimental to the character and function of the Principal Holiday Accommodation Area. This usually resulted in refusal to grant planning permissions to change uses from holiday accommodation to permanent residential occupation.

This policy states clearly that applications involving the loss of holiday accommodation within an identified P.H.A.A. should be tested against 4 key criteria and that they may be permitted where the following criteria apply:-

- a) the premises lack an appropriate basic range of facilities and do not offer scope or potential for improvement, thereby failing to meet the reasonable requirements of the tourist;
- b) the premises have restricted bedspace capacity, having a limited number of bedrooms (if serviced) or apartments (if self-catering);
- c) the loss of the premises would not be to the detriment of the holiday character of the particular locality, nor set an unacceptable precedent in relation to the concentration and role of nearby premises; and
- d) the proposed new use or development is compatible with the surrounding tourism related uses and does not harm the holiday character and atmosphere of the PHAA.

The premises, on the whole, has a basic range of facilities, however as they are all individually owned there is little scope for improving the holiday facilities.

It is deemed that the unit does have restricted bedspace capacity as it is a single unit.

There is a mix of holiday and residential uses in the area and therefore there is not an overall strong holiday character. The principle of converting this unit from holiday to residential is considered to be acceptable and supporting evidence does suggest that the existing use is not viable.

It is considered that a change from holiday to residential is unlikely to impact on the holiday character and atmosphere as the accommodation due to its limited functionality as a unit of holiday accommodation. Similarly, the unit is self-

catering and there are no convenience shops within easy walking distance, as such this may promote an unsustainable form of tourist accommodation.

Suitable on site parking is available to accommodate the residential unit and is located to the rear of the premises and accessed via a driveway to the side elevation.

It is considered that the proposed change would not meet all the requirements of TU6.

As a result of recent changes in holiday trends and more importantly the recent severe economic problems, policy TU6 has been examined again and re-interpreted to ensure that it is up to date, clear and gives a degree of flexibility in the current economic climate. Last year, the Council adopted a revised interpretation of the PHAA policy. Prior to its adoption, this Revised Guidance was the subject of public and stakeholder consultation. Although the Revised Guidance on PHAA's does not form part of the LDF or Local Plan, it is capable of constituting a material consideration which can be weighed against others when determining whether consent may be granted.

“Revised Guidance on the Interpretation of Policy TU6 (Principal Holiday Accommodation Areas)” (March 2010) sets out a traffic light based approach whereby PHAAs were colour coded into 3 areas. This site sits within Roundham Road PHAA which was identified as a green area. Para 3.17 of the Revised Guidance states that in these areas, the change of use of serviced accommodation with fewer than 50 letting bedrooms or holiday apartments is likely to be considered to meet the criteria in Policy TU6, so long as they don't offer particular facilities of importance to the resort. In other words there is a presumption that residential use will be acceptable.

In addition to this a recent Appeal Decisions for similar proposals have to be taken into account, in particular the Inspector when considering the Goodrington Lodge Appeal was of the view that this PHAA has a limited holiday character and he gave considerable weight to the Revised Planning Guidance which supports residential use. The Inspector also was of the opinion that the proposal would be very unlikely to have any perceptible impact upon the 'holiday atmosphere' of the locality or demonstrably harm the character of function of the PHAA.

In view of the recent appeal decisions and the weight placed on the revised guidance the proposed residential occupancy of this unit is now considered to be acceptable.

#### **S106/CIL -**

If Members were minded to approve this application consideration should be given to the need for a planning obligation under s106 of the Town and Country

Planning Act to offset the costs that would arise from this proposal.

In line with Government advice, sound economic principles and principles of sustainable development, the Council has decided that the true cost of any development should be realised by the development itself without becoming a burden upon the Local Authority or its Council Tax payers. To this aim, the Council has now adopted policy in line with Central Government legislation and advice from the Government Office for the South West which provides justification for this approach and levels of payments that would be sought in relation to specific developments. This is detailed in Adopted Supplementary Planning Document LDD6 ('Planning Contributions and Affordable housing: Priorities and Delivery'). The result of this assessment is that the following contributions will be required..,

Sustainable Transport (50% reduction)	£ 630.00
Lifelong Learning	£ 160.00
Greenspace (50% reduction)	£ 275.00
<b>Total Contribution</b>	<b>£1065.00</b>
(less 5% discount for upfront payment)	£1011.00

### **Conclusions**

When this proposal is tested against policy TU6 of the Saved Adopted Local Plan, the revised guidance on this policy and the recent appeal decision, it is considered to meet the criteria for conversion and would not cause demonstrable harm the character or function of the PHAA.

### **Informative(s)**

01. Town and Country Planning (General Development Procedure) (Amendment) Order 2003.

The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority, is not in conflict with the following policies:

TU6, CF6 & CF7

### **Relevant Policies**

TU6 Principal Holiday Accommodation Areas  
CF6 Community infrastructure contributions  
CF7 Educational contributions

**Application Number**

P/2012/0121

**Site Address**

2, 4, 6, 8, 10, 12, 14, 16 Southview Road  
Paignton  
TQ3 2QG

**Case Officer**

Mr Scott Jones

**Ward**

Clifton With Maidenway

**Description**

Demolition of 8 dwellings and their ancillary buildings and formation of 12 dwellings together with associated parking and vehicular/pedestrian access and amenity areas

**Executive Summary/Key Outcomes**

The proposal is a housing redevelopment scheme that seeks to replace eight existing semi-detached 'Cornish Units' with twelve new dwellings arranged in three short terraces, all to be supported with off-street parking. The existing housing, which lies empty and semi-derelict, was previously occupied as social housing units and it is proposed to maintain this particular housing use.

The layout and general form is respectful of the existing and will sit comfortably within the wider local context, with the scheme maintaining intermittent frontage development with front and rear building lines, and ridge heights throughout the scheme, generally maintained akin to that which exist. By respecting these general parameters as well as sitting comfortably within the plot the development will protect the established levels of amenity afforded neighbouring occupiers. In terms of character the proposed scale, layout and detailed design is actually considered more befitting of the locality than the existing 'cornish' unit design. In terms of detail the supplementary parking arrangement is considered a good response to local carriageway constraints and the level of provision, which equates to 1.5 spaces per unit, is considered appropriate for this area and inline with policy guidance.

As a point of reference the application returns to committee following the refusal of a scheme for 14 units. This previous proposal was refused on the grounds that it would result in a cramped arrangement and amounted to the overdevelopment of the site, causing unacceptable harm to the amenities of neighbouring residents and the street in general. The terraced form was also considered to be out of keeping with the general character of the area.

As a response the revised scheme is considered successful. Through reducing the numbers by two the scheme offers three uniform terraces of four dwellings, which gives greater gapping, along with a reduction in development width of each block to a scale more akin to that of larger, older, semi-detached pairs. This offers a greater feeling of space to the scheme that is considered to overcome previous concerns on overdeveloping and cramping of the site, whilst lessening the linear scale of the terraces to that which is more customary for the area.

Ultimately the proposal is considered a positive redevelopment scheme that will provide modern socially-rented housing units that will help meet the need for affordable homes in Torbay.

### **Recommendation**

Site visit; Conditional approval (suggested conditions as laid out at the end of this report) delegated to the Executive Head of Spatial Planning; subject to the signing of a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning (within 6 months of the committee date).

### **Site Details**

The site is the combined curtilage of residential plots numbers 2 through to 16 Southview Road. The site currently holds eight dwellings that are arranged in four pairs of two-storey semi-detached units. The existing buildings are a mix of pre-cast concrete panels and upper floor clay tiles and feature front and rear gardens with pedestrian access and occasional off-street parking. Due to the sloping topography of the street the units stagger down the road from North to South (Number 16 to Number 2) and sit slightly below street level. The existing buildings are not worthy of retention, are in a dilapidated state and do not contribute positively to the built environment.

To either side of the plot there are further two-storey residential dwellings. To the rear, the land falls away quite steeply to the residential plots off Maidenway Road.

There are no built or landscape designations over the land within the Local Plan proposals map.

### **Detailed Proposals**

The scheme proposes 12 dwellings along the frontage of Southview Road, provided in three short terraces each containing four units. All of the dwellings are split level, with a single-storey to the road frontage and a lower ground floor to the rear aspect. The elevations are to be rendered and set under gabled tiled roofs. Each unit will be supplemented with a minimum of one off-street car parking space with a degree of landscaping to the front and private amenity space to the rear. With 18 car parking spaces proposed the provision is to an average of 1.5 spaces per unit, with 8 spaces offered perpendicular to the road and 10 spaces offered through angled 'chevron' parking. In regard to the

development footprint the front and rear building lines loosely accord with the existing and in regard to the massing the width of the terraces are approximately 5 metres wider than the current pairings, with the heights of the staggered ridge lines closely reflecting the scale to those of the current properties. The scheme proposes to maintain the affordable social housing use of the site that existed.

### **Summary Of Consultation Responses**

*Affordable Housing Team:* All of the units on this site are to be developed as affordable housing which is to be commended due to the high need for affordable homes in Torbay. Our Housing Needs Survey shows demand across the spectrum of household sizes and the Housing Market Assessment indicates a great need for all house types in Torbay, with a particular need for affordable rented accommodation. Our waiting list figures support this; there are currently 2941 households on the waiting list for rented accommodation, a further 381 households on the South West Homes waiting list for shared ownership accommodation with a further 27 households in temporary accommodation. This site is part of a wider regeneration project in the area to replace the current defective accommodation that currently lies empty, with more efficient modern accommodation that people want to live in. These homes will go a long way to meeting housing need for local people and consequently Housing Services are supportive of the proposals.

*Sustainable Transport / Highways:* Having reviewed the submitted drawing demonstrating the manoeuvrability of vehicles into and out of the parking spaces for the above development, Highways are satisfied that this development will not affect the on-street parking on the opposite side of the road, and therefore raise no objection. All off street parking spaces should be a minimum of 5.5m long on their shortest length.

If applicable the SPD should be applied to provide for a contribution towards the provision of a cycle route along Torquay Road that will provide the site with a high quality cycle route to Paignton town centre via the residential side streets including past Oldway Primary School, making the route to the school as accessible as possible on foot to encourage walking, new bus shelters on Maidenway Road including raised kerbs.

Cycle parking should also be provided at a rate of at least 1 per dwelling. If a garage is to be used, then the cycle should be readily accessible with a car still in it. If a separate store / shed will be used, it must have a secure lock.

*Arboricultural Team:* Pending comment. Previous comment recommended approval on arboricultural merit with the requirement for a detailed landscape scheme to be prepared, which can be agreed via condition.

### **Summary Of Representations**

Seven letters of objection have currently been received, although it should be noted that 4 days of the formal 21 days period for public representation remain at the point of writing this report. At present points raised include the following:-

- too many units
- overdevelopment / cramming
- terraces are out of character - impact upon the character of the street
- replacements should be like-for-like, one-for-one - traffic/parking implications due to the increase in numbers
- impact on residential amenity
- existing should be refurbished
- impact of building works - houses should be removed and trees planted

These letters have been re-produced at page P.201.

### **Relevant Planning History**

P/2011/0813 – Demolition of 8 dwellings and ancillary buildings and formation of 14 dwellings together with associated parking and vehicular/pedestrian access and amenity areas – REFUSED 13.12.11

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

#### **Principle and Planning Policy -**

The key policy issues are considered to be;

- i) The principle of the development,
- ii) Visual implications, consideration of scale, layout and design,
- iii) Neighbour amenity considerations,
- iv) Highway matters, parking and access.

#### ***j) The principle of the development -***

Firstly, demolition of the existing buildings, which are not of any great merit and are in poor condition, is considered acceptable and should be supported.

In regard to the redevelopment scheme it proposes a straightforward replacement of socially rented housing stock. As this maintains the established residential use in an area clearly characterised as a residential area, the use is wholly acceptable and the general principle of the development is supported.

In regard to the principle of increasing the number of units, policy guidance does seek to encourage the more efficient use of previously developed land and therefore there is potential for higher density development on sites where it is appropriate. In this case the proposal to replace 8 units with 12 units appears

acceptable, as given the size of the site and the present use there appears scope to increase the number of units on the site within acceptable parameters.

***ii) Visual implications, scale, layout and design -***

The scheme provides three mini-terraces, each circa 20 metres in width, in place of four pairs of semi-detached properties, each circa 15 metres in width, which will be set approximately 12 metres apart. For context the current buildings are set approximately 8 metres apart. This revised layout, with shorter terraces and greater gapping between them, is considered to offer a suitable quantum of development that will sit comfortably within the local context, which allays any previous concern on overdevelopment and cramping.

Although the terraced form remains, which was previously cited as a concern, the scale is now more akin to the width of pairings of larger older properties in the area. It is pertinent to note that the gross linear level of frontage development is not notably increased, but rather maintained at circa 60metres across the site. Overall the more domestic scale of the terraces, together with again appreciating that short terraces akin to these are a prominent form locally and present within two roads within 100 metres of the site, the new arrangement is considered to provide a suitable arrangement that would not be divergent to the broader local character.

Again, as with the scheme for 14, the proposal maintains the linear street-facing form of development, and it loosely accords with the established building lines to the front and rear. By maintaining these lines the resultant overriding layout provides development within acceptable parameters and will offer a positive relationship with the street. The scheme also respects the established scale with staggered ridge heights respectful of the existing heights.

In respect of landscaping the scheme is considered to provide an appropriate combination of soft and hard finishes whilst bringing forward improved parking facilities (18 spaces to serve 12 units, in place of the existing 8 spaces to serve 8 units with 3 units devoid of any parking). Although, due to the enhanced provision of parking, it is appreciated that the degree to which the street can be softened is limited, however by providing some parking to the side where possible, the scheme has the potential for enhanced pockets of soft landscaping to the street frontage.

***iii) Neighbour amenity considerations -***

Amenity issues centre on the impact upon other residents within the street and occupiers within adjacent plots to the rear on Maidenway Road. The pertinent issues are considered to be the potential loss of privacy/ resultant overlooking, or the loss of light, outlook, the creation of an overbearing relationship. Highway/parking implications will be covered separately below.

It is considered that the development would not have any significant material impact upon the amenity of those living within Southview Road. The scheme provides development of a similar domestic scale and footprint as to that which exists and although there is a minor movement of the building lines, these changes will not increase overlooking, diminished light ingress or indeed outlook. It is appreciated that there is an increase in the density of development, which itself may result in additional movement in and around the area, however the layout is not considered cramped or overbearing, but rather the efficient use of land. The net increase is not demonstrably greater and the provision of the 12 units in place of the 8 will only offer six net additional bedrooms across the site.

In regard to the relationship with plots off Maidenway Road and the resultant amenity issues to the rear, as the location and scale of the units are largely maintained, it would appear that the established relationships will remain unaltered. It is therefore considered that the scheme does not result in any demonstrable harm to amenity, due to the fact that the proposed relationship is similar to the existing relationship.

***iv) Highway matters, parking and access -***

The proposal provides 18 off-street parking spaces for the 12 dwellings via a mix of staggered and perpendicular bays set to either the front or the side of the units. The proposed parking numbers and layout accord with policy guidance and hence there is no overriding concern with regards to the parking provision and the solution presented.

In terms of detail, the scheme, which shows both angled and perpendicular bays, presents a workable solution for suitable access and egress requirements on what is a relatively narrow street (when considering the level of what appears to be informal on-street parking on the opposite side of the carriageway).

With consideration of the existing arrangement, whereby 5 dwellings benefited from off-street parking and 3 were absent of any provision, the proposal that provides uniform off-street parking throughout, at a level of 1.5 per dwelling, is considered an improvement on the current situation. Therefore, although there is an increase in the density of development and hence possibly resultant vehicular movements, the improved provision and spread of parking on-site means that there is unlikely to be any demonstrable highways impact upon local parking and movement.

The provision and layout of the parking is supported by the Authority's Highways Department.

**Closing the gap -**

The scheme proposes the replacement of out-of-date social housing, by providing modern homes in a sustainable location within an established

residential area and supported by suitable outdoor amenity space and parking provision. The proposal looks to use the land more efficiently and in doing so proposes to provide 12 social-rented units in place of the 8 which currently sit on the site. The scheme, which comes with the support of the Authority's Affordable Housing Team, is considered a positive step in uplifting the residential environment.

#### **Climate change -**

The proposal removes outdated living units set within large plots and provides the opportunity for the more efficient use of land and the supply of more energy efficient modern housing. As socially rented units, the houses will be required to meet code 3 of the Code for Sustainable Homes. The result being that the units are more easily maintained, cost less to heat and run, and thus reduce the resultant energy need per unit.

#### **S106/CIL -**

Inline with Council adopted Policy 'outer ring' sustainable development contributions for affordable housing schemes are not sought. The proposal would, however, need to be subject to a S106 agreement with clauses to ensure the provision of the units as social housing, or in the absence of this to secure the full complement of planning contributions inline with adopted policy.

#### **Conclusions**

The principle of the proposal is considered acceptable. The redevelopment of outdated and dilapidated housing units with new, energy efficient units supplemented with private parking and amenity space is considered entirely positive. The design and layout is considered acceptable and there will not be a demonstrable impact on the amenities of the neighbouring occupiers. As such, subject to the resolution of a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning (within 6 months of the committee date), and satisfaction to any further representations received, the proposal is recommended for approval with appropriate planning conditions.

#### **Conditions**

- Submission of external materials
- Submission of a detailed hard and soft landscaping scheme & the delivery thereof
- Submission of details on all retaining / elevated structures
- Provision of parking facilities as laid out
- Provision of cycle storage facilities
- Provision of bin storage facilities
- Provision of Sustainable Urban Drainage
- Removal of Permitted Development Rights

#### **Relevant Policies**

BES Built environment strategy  
BE1 Design of new development  
HS Housing Strategy  
H9 Layout, and design and community aspects  
TS Land use transportation strategy  
T3 Cycling  
T25 Car parking in new development  
T26 Access from development on to the highway  
W7 Development and waste recycling facilities  
LS Landscape strategy  
L10 Major development and landscaping

**Application Number**

P/2011/0991

**Site Address**

27 - 29 Walnut Road  
Torquay  
Devon  
TQ2 6HP

**Case Officer**

Mr Alexis Moran

**Ward**

Cockington With Chelston

**Description**

Change of use to create a single unit to provide sheltered housing accommodation with warden services for vulnerable adults (Re advertisement)

**Executive Summary/Key Outcomes**

The application seeks permission to change the use of 27 & 29 Walnut Road to create a single planning unit which provides warden controlled sheltered housing for people with learning difficulties and mental health support needs. At present both units offer a similar facility but act under differing planning applications, the unity of the two, under one permission, will allow equal services to be provided and will provide the Local Planning Authority with a singular permission to monitor and control.

The proposal is considered to comply with the key requirements of policy CF15 (Accommodation for people in need of care) of the saved adopted Torbay Local Plan 1995-2011 as it is within easy walking distance of local shops, the local community and public transport. There is no over concentration of similar facilities in the immediate area and the availability of a warden ensures that there is appropriate care for the occupiers of the units.

The application is therefore deemed to be acceptable for conditional planning approval subject to the completion of a section 106 legal agreement.

**Recommendation**

Conditional Approval

**Site Details**

The site, 27 & 29 Walnut Road, Torquay, relates to a pair of semi -detached buildings at the junction of Walnut Road and Old Mill Road.

**Detailed Proposals**

The application seeks permission to change the use of numbers 27 & 29 Walnut Road to form one single unit to provide an administrative office with warden

controlled sheltered housing for people with learning difficulties and mental health support needs.

This, in essence, would result in unifying the two facilities currently in use at 27 & 29 Walnut Road which presently provide a similar facility under separate permissions.

The application would therefore also seek to vary condition 2 of a previous planning application (P/2005/1383/PA) which relates to 27 Walnut Road. This condition is as follows..,

“The occupation of the property shall be limited solely to persons referred by (Torbay Council Adult Social Services) as being a person with a learning disability in need of support in the community or a person employed as a warden/supervisor for such persons who occupy the property, unless otherwise agreed in writing with the Local Planning Authority.”

This would therefore allow both units to house referred individuals with learning difficulties and mental health support, a service which is currently provided at number 29 Walnut Road.

#### **Summary Of Consultation Responses**

None.

#### **Summary Of Representations**

None received at the point of writing this report.

#### **Relevant Planning History**

P/2005/1383/PA Conversion of Dwelling Into 6 Self-Contained Flatlets (Sheltered Housing For Persons With Learning Difficulties) With Warden Based At No 29. Approved by committee 26.09.2005

P/2003/1115/PA Conversion of dwelling into 6 self-contained flatlets (Sheltered Housing for persons with learning difficulties) with warden based in number 29 Walnut Road. Refused 25/7/05.

P/2002/0978/PA 29 Walnut Road. 5 flatlets (sheltered housing for persons with learning difficulties and warden's accommodation). Approved 14/8/2002.

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

The key planning issues this application is required to comply with relate to policy CF15 (Accommodation for people in need of care) of the saved adopted Torbay Local Plan 1995-2011.

Policy CF 15 requires an application to meet certain criteria, the most relevant of which are listed below:

- premises are well related to the local residential community, accessible to public transport and within walking distance of local shops and other everyday facilities
- there is adequate amenity space within schemes, having due regard to the character of the surrounding area, together with appropriate landscaping to ensure attractive surroundings for residents;
- there is appropriate provision for service vehicles and car parking in accordance with Local Authority standards;
- the development or change of use would not lead to an over-concentration of uses within the area and would not be to the detriment of the character or amenities of the neighbourhood;
- appropriate accommodation is provided for staff whether on site or with direct communication with residents, to ensure that there is proper care for occupants.

The application site is within easy walking distance of local shops, the local community and public transport. There is no over concentration of similar facilities in the immediate area and the availability of a warden ensures that there is appropriate care for the occupiers of the units. The proposal is therefore considered to comply with this policy.

The amalgamation of the two units to one will provide a more controlled planning unit and one which provides equal facilities for people of similar needs, at present this is not the case.

The removal of the condition would allow number 27 to facilitate similar submissions as currently available to the adjoining property number 29. This would allow the property to be used more efficiently and allow SILS to provide an improved service.

The Organisation that owns the properties has installed a CCTV system in both number 27 and 29 to enable a warden to monitor the comings and goings in both parts of the building. It is however considered that a condition to maintain the CCTV and to ensure that it covers both properties should be added to approval.

The Supporting People team consider SILS to be a well managed provider and there have been few issues in the area since the service began.

At present a section 106 legal agreement is in place to ensure that:

- A person employed as a warden/supervisor for the facility shall be on duty at 27 & 29 Wall Nut Road at all times
- The occupancy of 29 Walnut Road shall be limited to persons referred by Torbay Adult Services as someone with a learning difficulty in need of support in the community or a person employed as a warden/supervisor for such occupants of the property
- The applicant shall not sell, lease or otherwise dispose of either 27 or 29 Walnut Road separately from the other and shall maintain ownership and management of the two properties as one facility at all times.

As part of the application a revised/new section 106 legal agreement will be required to ensure that:

- A person employed as a warden/supervisor for the facility shall be accessible to 27 & 29 Wall Nut Road at all times
- The occupancy of 29 Walnut Road shall be limited to persons referred by Torbay Adult Services as someone with a learning difficulty and/or mental health support needs
- The applicant shall not sell, lease or otherwise dispose of either 27 or 29 Walnut Road separately from the other and shall maintain ownership and management of the two properties as one facility at all times.

This will unify the properties and the permission to allow equality in terms of the service provided and in terms of the occupants which can be referred in both.

#### **Principle and Planning Policy -**

CF15 Accommodation for people in need of care  
CF2 Crime Prevention

#### **Closing the gap -**

The proposed development provides a much needed facility for the community, improving social mobility, reducing dependency and working towards reducing anti-social behaviour.

#### **Conclusions**

The proposed change of use application is considered to be appropriate for conditional planning approval, having regard to all national and local planning policies and all other relevant material considerations and subject to the provision of a section 106 legal agreement.

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

01. A CCTV system that monitors activities in public areas both inside and immediately outside both numbers 27 and 29 Walnut Road shall be installed (including facilities for recording) and permanently maintained at the property.

Reason: to ensure security for residents with special needs and prevent behaviour which may have a disruptive effect on the surrounding area in accordance with Policy CF2 of the Torbay Local Plan 1995-2011

**Informative(s)**

01. Town and Country Planning (General Development Procedure) (Amendment) Order 2003.

The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority, is not in conflict with the following policies:

CF15 Accommodation for people in need of care  
CF2 Crime Prevention

**Relevant Policies**

CF2 Crime prevention  
CF15 Accommodation for people in need of care

# Agenda Item 11

## Application Number

P/2011/1158

## Site Address

Dainton Self Store Ltd Torre Station Yard  
Newton Road  
Torquay  
Devon  
TQ2 5DD

## Case Officer

Mr John Burton

## Ward

Cockington With Chelston

## Description

Change of use from B8 storage to C3 dwelling houses; formation of 10 townhouses with 3 storeys and integrated garages and off street parking

## Executive Summary/Key Outcomes

The application site and adjoining land in the same ownership has a B8 (storage or distributions) use permission which has been implemented. The land is at the margins of the storage use and other commercial/business uses that exist at Torre Station and so is not considered to be integral to the function and performance of the areas business prospects. The site has been untidy and under utilised for some time now and would benefit from being brought back into a good use. Residential use is considered to be acceptable because the site is immediately adjacent to the long established residential development at Crownhill Rise. The proposed design is in keeping with local traditions and appearance, and is shown to a high standard including thought having been given to energy efficiency. The proposal takes advantage of the ability to have a relatively high density of development, but still fits within national and local guidance in this respect. The development will provide the size and type of accommodation which is needed in the Torbay housing market. There are no interests of acknowledged importance that would be adversely impacted by this proposal, and issues which have arisen can be handled by use of conditions. The proposal qualifies for a Planning Obligation in order to defray the costs that would arise from the development.

## Recommendations

Members are asked to assess the issues on-site first (site visit). However, subject to this, the proposal is considered to be acceptable by officers and is recommended for conditional approval, subject to the further views of the Environmental Health Officer (with respect to potential land contamination), the views of the Highways Authority, and the successful signing of a Planning obligation under s106 of the Act, which should be completed within 6 months from Members' resolution.

### **Site details**

Site of approximately 0.23 hectares in size, accessed off Cleveland Road (a small access road off Avenue Road), immediately on the western side of the Newton Abbot/Paignton railway line. The land slopes from the east to the west of its width by approximately 3 metres.

The land is currently owned by Dainton Group Services Limited who acquired the land from Network Rail, but who reserved rights of access over part of the site. The land had previously been railway sidings. The Dainton Group also own a lot of land to the north of this current application site, from where they currently operate a storage business. This has been at this site since approximately 2003.

There is a narrow strip of land immediately due south of the site which is in the Council's ownership and links to the Rowcroft land further up. It is a green corridor that appears to be in use as an informal footway. On the other side of this strip are the properties on Crownhill Rise.

The site is not within a designated Conservation area, but does lie adjacent to the Torre Conservation Area. Torre Station is a listed building, primarily for its historic connections with I. K. Brunel.

### **Detailed proposals**

Full planning permission is sought to change the use of this land from B8 storage use (as defined by the Town and Country Planning, Use Classes Order) to a C3 residential use, in order to facilitate the development of a terrace of 10 dwelling houses. The plans show 3 storey dwellings with integrated garaging and driveways at the front for additional car parking. The plans indicate a minimal amount of soft landscaping at the fronts of the dwellings, but each property would have rear gardens running down to the Council owned informal footpath. The dwellings are shown arranged with a stepped terrace footprint, with the land cut and filled to negate the existing slope of the land. The material palette shows predominantly rendered elevations with contrasting timber effect and plain pre-coloured fibre-cement panels, painted timber windows, and interlocking plain grey concrete tiles for roofing.

Access to the site is under the existing railway bridge and this will remain unaltered, except for a proposed new pedestrian footpath link (subject to negotiation with Network Rail). Pedestrian access to the Crownhill Rise alley way in between nos. 8 and 9 is shown provided by a new foot and cycle path off Cleveland Road running down to the Council owned 'green corridor'. This new footway/Council footpath system would also provide access to the rears of the proposed properties. Access to the rear gardens from within the new dwellings themselves would be via the first floor living room (ground floor at the rear, first floor at the front, due to the level of the land).

The site would have close proximity to public transport links (buses and trains), and good access to local amenities and services.

### **Summary of consultation responses**

*Network Rail:* Objects to the proposal in its current form, primarily because the suggested layout application does not take account of the legal right of access reserved by Network Rail through the site for maintenance vehicles. If the layout could be amended, Network Rail may withdraw their objection but seek to ensure conditions (relating to fencing, drainage, safety, ground levels, site layout, landscaping and environmental issues such as noise, vibration and dust), as requirements for the safe operation of the railway and the protection of Network Rails' adjoining land.

*Highways Officer:* No objections in principle, but would need to see the highway become adopted.

*Strategic Transportation:* Has no basic objection. However notes that the road under the railway bridge is not adopted (believed to be owned by Network Rail) and with 10 houses being proposed it may be wise to seek adoption. The proposal should also secure a Planning obligation, the sustainable transportation element of which should be used to enable a cycle path to be formally provided down from the Rowcroft land around this site and up to Avenue Road.

*Arboricultural Officer:* The site contains no trees of merit and only smaller self set trees and scrub bound the site which offer little potential. However there is a large TPO woodland to the north-west which does not form part of the proposal site.

*Environmental Health Officer:* Notes the comments made as part of the application, but would prefer the desk top study and intrusive investigations to be undertaken before permission is granted, not dealt with by way of a condition. The E.H.O.'s best information indicates that there might be underground storage tanks in situ associate with the former use as a train sidings. A previous use as a coal merchants also has the capacity to make the land contaminated. However, the E.H.O. is of the opinion that any likely contamination could be mitigated.

### **Summary of representations**

Letters of representation have been received and are reproduced at page T.200. The gist of the comments made can be summarised as follows:-

- Would set a precedent for even more houses;
- Will not mix with the storage business adjacent;
- Will bring noise into a quiet area;
- Will obscure outlook from properties in Crownhill Rise;
- Impact upon trees and wildlife;
- The access lane to Torre Station was illegally blocked off a couple of years

- ago, and now it is proposed to re-open it;
- Would result in a lack of privacy for those properties facing in Crownhill Rise;
  - Loss of privacy if the old footpath is to be re-opened;

### **Relevant planning history**

P/2008/0754 Removal of condition 2 (ref app no P/2008/0293/PA) re temporary permission for use of land for containerised self storage, Refused permission 26/06/2008 but allowed on appeal by decision notice dated 15/05/2009

P/2008/0293 Use Of Land For Containerised Self Storage. Approved 16/04/2008 for a temporary period not exceeding 1 May 2013

P/2002/2014 Use Of Land For Containerised Self Storage 20.02.2003 (condition 2 stating that the use shall be temporary up to 1 March 2004).

### **Key issues/material considerations**

#### **Principal and planning policy**

The land is zoned in the Saved Adopted Torbay Local Plan as being a Business Investment Area (policy E3.5), in which employment uses should be retained and developed. However there are no employment uses on this parcel of land or any of the Dainton Group land of which this is a part. Although there is a limited amount of management and security associated with the storage use, this cannot be considered to be an employment generator. Policy E3 does go on to say that small scale warehousing uses (B8) will be permitted in the Business Investment Areas, and the Council has authorised such a use at this site on a temporary basis. Attempts to make the containerised storage use permanent were resisted by the Council, but allowed on appeal (see Inspector's decision reproduced at page T.200) as it is quite clear in planning law that temporary uses should not be renewed with a further temporary use. So the site has little employment benefit, and it is difficult to see how this could be changed given that the site is in private ownership and operating a lawful B8 use. It therefore has to be concluded that it would be very difficult to enforce the terms of policy E3 on the current proposal site, without making a Compulsory Purchase Order. This is unlikely to be part of the Council's thinking.

In housing policy terms the proposal is clearly consistent with the aims of the housing chapter of the Saved Adopted Torbay Local Plan. There is no conflict with policy HS (Housing Strategy), because the proposal would be providing low cost open market housing of the type needed in Torbay, securing a balance between new housing and the protection of environmental quality, maximising the re-use of urban brownfield land, resulting from a sequential approach to housing provision. The proposal meets the terms of policy H2 (New housing on unidentified sites) because the proposal promotes sustainable development, contributes to the provision of a full range of house types, re-uses urban

'brownfield' land in a sequential and sustainable manner, has good public transport accessibility, has good access to infrastructure and community provision, and promotes good design and energy efficient dwellings. The proposal is considered to be in accordance with policy H9 (Layout design and community aspects) because a strong emphasis has been given to the design of the new dwellings. The proposal does not breach the requirements of policy H10 (Housing densities) because it would be developed at a high density (equivalent to 44 dwellings per hectare of land) but consistent with key environmental objectives. This is in accordance with national planning policy guidance. The scheme makes little provision for amenity open space, play areas, wildlife areas and landscaping, and so could be seen as being contrary to the provisions of policy H11 (open space requirements). However this can be overcome through appropriate provisions within the Planning Obligation (under s106 of the Act).

The proposal will need to show compliance with policy CF6 (Community Infrastructure Contributions), but this can be achieved. This will be discussed later.

A small portion of the proposal site in the east is part of a larger wildlife site, although given the B8 use that could lawfully operate at the site, the nature of previous uses of the site, the fact that there is no evidence of any important species on site, the openness of the site and the amount of hard surfacing within the site, it is not felt appropriate to invoke policy NC3 (Locally important protected sites).

The proposed dwellings have an energy efficient design (see 'Environmental Impacts' below) and so meet the terms of policy EP1. Although this site has a B8 permission controlling its use, it has not been used effectively as such. The site used to be overgrown, was subject to fly tipping and has most recently been used for the storage of vehicles. It does still contain some remnants of former structures, and is generally in an untidy state. On this basis, the proposal would accord with the provisions of policy EP6 (derelict and under-used land). It is likely that the risk of the site being contaminated is low, and it is noted that there are residential properties in the immediate area (to the south) anyway. However, given previous uses for the site, the applicant has offered to undertake a desk top study and intrusive ground investigation before any development that might be permitted is commenced. This would establish the likelihood of contamination and if likely, suggest mitigation and remediation measures. This can be dealt with by condition, and would therefore comply with policy EP7 (contaminated land) of the Saved Adopted Torbay Local Plan.

Policies within the 'Built Environment' chapter of the Saved Adopted local Plan are more subjective. However, the design and choice of materials is considered appropriate, because it continues themes established in Crownhill Rise, uses substantially vernacular materials and will enhance the existing character of the area. The design and appearance is typical of many developments throughout

Torbay, but by adding colour and interest to the street scene will create its own sense of place. The site is not within a Conservation Area, and far enough removed from Torre Station itself so as not to impact upon the setting of this Listed building. It is therefore considered that the proposal would meet the requirements of policies BES and BE1.

The proposal includes for off-street parking to standard and has a suitable access, although this may need to become an adopted highway in time. However it is noted that the Highway Authority is not objecting to the proposal and Strategic Transportation are in general agreement. It has been suggested that the proposal should be accompanied by a Planning Obligation that makes provision for a sustainable transportation contribution to assist in improving local footpaths and cycle ways. With all of these factors in mind, it is concluded that the proposal would be in accordance with Transport and accessibility policies T3 (cycling), T10.1 (Torre Station transport interchange), T25 (car parking) and T26 (access).

This site was identified in the 'Action Framework Plan' supporting the previous Mayor's Vision as a development site. It was seen very much as a gateway site for Torbay. It did include some residential. Considerations have moved on now however, and it is now more appropriate to defer to the policies of the Saved Adopted Torbay Local Plan.

In conclusion, the proposal is not considered to be in breach of any of the relevant adopted policies and can therefore be considered to be acceptable in principle.

#### **Impact on neighbouring properties**

The southern elevation (rear) of the ten properties proposed are only two storeys in height, with plots 1 to 8 being more than 21 metres away from the nearest neighbouring houses in Crownhill Rise, and plots 9 and 10 being 19 metres away. This is considered to be acceptable in terms of potential for any overlooking and loss of amenity. Some of the representations received have made objection on a perceived loss of outlook that would arise if this application were to be approved, but Members will be aware that no one individual or property has a right to a view in planning law. It should also be noted that the landscape value of the site would be improved by the proposal as currently the site consists of uneven ground covered in stone chippings and the remains of demolished buildings.

#### **Economy**

The site is identified in the former Mayor's vision document as being suitable for a mixed use development that included some residential use. However, the land has been in private ownership for some time now, and it is not clear how that particular proposal could have been implemented without the agreement of the owner.

Although the site benefits from planning permission for B8 storage use and more recently permission for containerised self storage use, this is a very low employment generator. The main containerised storage area of the Dainton Group is utilised by local businesses and so does impact obliquely upon employment and business. However, the application site itself is subsidiary to the main trading and container site, storing vehicles and caravans. As such there are no implications to the economy of Torbay in converting the site to residential use. In any event, any perceived loss in employment opportunity could be provided, if felt necessary by Members, on the main site storage subject to agreement.

### **Environmental impacts**

The proposal is a redevelopment of a brownfield site currently consisting of uneven ground covered in stone chippings with the remains of some demolished buildings scattered around. This can be considered a sustainable solution to fulfilling local housing need, and is certainly making full and effective use of urban land in a manner, that is sequentially more preferable to building on 'greenfield' land or countryside.

The proposed layout and configuration of the houses on the site with south facing gardens, living and bedroom spaces will help to improve the energy efficiency of the houses through natural solar gain and ventilation.

The application is accompanied by an 'Environmental Noise Statement'. This takes on board the proximity of the proposed dwellings to the Paignton/Newton Abbot railway line. The statement concludes that there could be some impact and so the design of the dwellings has been developed to take this into account as mitigation measures have been incorporated into the design. It is considered that these measures are sufficient to ensure that the amenity of any future residents will be protected and a good standard of acoustic environment can be delivered. This accords with the principles of PPG 24 (Planning and Noise) and would meet with the terms of Saved Adopted Torbay Local Plan policy EP4 (Noise). However, its implementation will be largely down to the Building Regulations.

The site is not within an identified flood risk area.

### **Planning Obligation**

This proposal is liable for a planning obligation under s106 of the Town and Country Planning Act to offset the costs that would arise from it. The 'Planning contributions and affordable housing supplementary document, update 3', was adopted by the Council in March 2011. Both the original document and the current update form part of the Torbay Local Development Framework. The document splits contributions up into 5 categories according to size. It is considered that contributions would be due for the following items - municipal

waste and recycling, sustainable transportation, lifelong learning, and green space/recreation. The amount that is currently charged for each new dwelling unit is now based on floorspace to be created. However it is reasonable to mitigate the transportation costs to take account of the fact that the existing use for B8 purposes would have an impact upon the immediate road network. The figure charged should reflect the net additional impact as stated in the S.P.D. This is currently being calculated and may reduce or negate the figure quoted below. Each house has a gross internal area measuring 120 sq. metres (including a single garage of 14 sq. metres), and so fit into category 5 for contributions.

Category 5 (120 Sq. M. +)	
Municipal waste and recycling	£ 50.00
Sustainable transportation	£3610.00
Stronger communities	£ 200.00
Lifelong learning	£ 470.00
Green space and recreation	£ 2370.00
<b>TOTAL</b>	<b>£6700 x 10 units = £67000.00</b>

### **Conclusions**

On all of the relevant policy considerations, the proposal is considered to be acceptable. The land is not used for employment purposes despite its zoning as a Business Investment Area, and the Council has little control over its future use given that it is in private ownership. The site is currently in a mess and would benefit from investment and development. There are no wildlife or tree issues that would prevent development. The applicant has agreed to a Planning Obligation to defray costs that will arise from the proposal. The application will provide housing of the sort required by the local housing market. The proposal does therefore appear to be acceptable in principle, in policy and in detail. However, there have been a number of objections to the proposal and it is therefore appropriate for members to undertake a site visit to assess these for themselves.

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

01. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason In the interests of the amenities of the area, and to accord with policies L8, L9 and BE2 of the Saved Adopted Torbay Local Plan.

02. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development) whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 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 a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason In the interests of the amenities of the area, and to accord with policies L8, L9 and BE2 of the Saved Adopted Torbay Local Plan.

03. The development hereby approved shall not be commenced until details of the colour type and texture of all external materials, including hard-surfaced areas, to be used in the construction of the proposed development have been submitted to and approved by the Local Planning Authority.

Reason To allow the Local Planning Authority to assess this element of the proposal and ensure that the development does not prejudice the character and setting of the area or the adjacent Torre Conservation area or the Listed Torre Station, in accordance with policies BEs and BE1 of the Saved Adopted Torbay Local Plan.

04. Prior to the commencement of any development, details of a sustainable urban drainage system shall be submitted to and approved by the Local Planning Authority, such system as may be approved shall be installed prior to the occupation of the development. The system shall be maintained effective at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to reduce surface water run off in a catchment area where flooding occurs and to accord with the requirement of PPS25 "Development and Flood Risk" in respect of sustainable drainage, and policy EP11 of the Saved Adopted Torbay Local Plan (1995 – 2011).

**Informative**

A Sustainable Drainage Solution such as a soakaway should be designed and constructed in accordance with Building Research Establishment Digest 365. A Sustainable Urban Drainage System should be designed and constructed in accordance with Construction Industry Research and Information Association Document 522 for surface water disposal (Clean surface water and roof water should be kept separate from foul drainage systems).

05. The development hereby approved shall not be used or occupied until all of the garages and car parking areas and access thereto shown on the approved plans have been provided and made available for use, or to a stage previously agreed in writing with the Local Planning Authority. The car parking areas shall be kept permanently available for parking purposes to serve the development at all times thereafter.

Reason To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use, in accordance with policy T25 and T26 of the Saved Adopted Torbay Local Plan, in the interests of highway safety, and in order to protect the residential amenities of the neighbourhood.

06. Development shall not begin until a remediation statement to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The above statement shall include a report of the investigation and assessment, identifying the extent of contamination and the measures to be taken to contamination and the measures to be taken to comply Part IIA Environmental Protection Act 1990. The development shall not be used or occupied until the measures approved in the statement have been implemented and the validation process has been completed.

Reason: To ensure that there is no risk from land contamination in accordance with National Planning Policy Guidance (PPG 24 'Planning and Noise') and to accord with policy EP7 of the Saved Adopted Torbay Local Plan.

07. The development hereby approved shall be constructed in accordance with detailed drawings, which shall previously have been submitted to and approved by the Local Planning Authority, showing the datum level at which it is to be constructed in relation to an agreed fixed point or O.S. datum.

Reason To enable the Local Planning Authority to fully assess the impact of the proposal and ensure a satisfactory form of development that does not adversely impact upon neighbouring uses or the area in general, in accordance with policies BES and BE1 of the Saved Adopted Torbay Local Plan.

### **Relevant Policies**

- E3 Business Investment Areas
- HS Housing Strategy
- H2 New housing on unidentified sites
- H9 Layout, and design and community aspects
- H10 Housing densities
- H11 Open space requirements for new housing
- CF6 Community infrastructure contributions
- NC3 Protected sites - locally important site
- EP1 Energy efficient design

EP6 Derelict and under-used land  
EP7 Contaminated land  
BES Built environment strategy  
BE1 Design of new development  
BE2 Landscaping and design  
T3 Cycling  
T10 Transportation interchanges  
T25 Car parking in new development  
T26 Access from development on to the highway  
EP4 Noise

**Application Number**

P/2011/1352

**Site Address**

10 Thatcher Avenue  
Torquay  
Devon  
TQ1 2PD

**Case Officer**

Mr Adam Luscombe

**Ward**

Wellswood

**Description**

Formation of dwelling with 5 bedrooms with vehicular access on the site of a previously approved dwelling

**Executive Summary / Key Outcomes**

This application seeks consent for the development of a pitched roof, gable ended, five-bedroom dwelling on the site. There is a valid planning consent on the site for the development of a dwelling which was approved along with the now constructed and occupied dwelling at 8 Thatcher Avenue, adjacent. The consent has been implemented in part and could be completed at any point if desired.

The design of the proposed dwelling submitted with this application significantly differs from the previous approval.

There is a projecting rear element which has raised particular concern in respect of overlooking and the impact on views and outlook. In this case it is considered that the privacy concern can be overcome with the use of obscure glazing and restrictions of the opening of the windows and it is further considered that the outlook of the neighbouring occupier will not be detrimentally affected.

Conditions are included as part of the recommendation to overcome any specific issues and protect the site and surroundings.

**Recommendation**

Committee Site Visit; Approval subject to conditions and the delegation of authority to the executive head of spatial planning to ensure the proposed development does not compromise the protection of trees on the site.

**Site Details**

The plot is the site of a demolished property on the south side of Thatcher Avenue, west of the junction with Whidborne Avenue. The previous property was one storey high on the Thatcher Avenue frontage and two storeys at the rear, owing to the topography of the site, which slopes down the south. There is

currently a strong boundary hedge to the frontage. There are Tree Preservation Orders to the rear of the site.

An application was permitted in 2008 for the construction of two dwellings on the site. One has been constructed, at number 8. This leaves the plot at number 10 vacant.

### **Detailed Proposals**

The vacant site will be redeveloped to include a new five-bed dwelling. It will have a single storey, with pitched roof over, fronting Thatcher Avenue and, because of the change in topography across the site, have three storeys facing towards the south. There is additional accommodation within part of the roof space.

The proposed building is largely timber and glazing construction with render and stone elements. The rear elevation presents two strong gables, one subservient to the other. Terracing is proposed to the West side whilst the Eastern side, and gable element, projects further out.

The proposed building plan has a staggered front and rear elevation. The garage is stepped slightly back from the neighbour at number 12 with the entrance to this property set further back into the site. At the rear the building extends out further than the internal accommodation of number 8 although not to the extent of the balcony at that property. To the opposite side the internal space is set back with terracing projecting out.

The ground floor (street level) has an entrance hall facing the road with an incorporated double garage to the right. There are two gables with a strong timber and supports with glazing inserts. Additionally there is a kitchen, dining space and lounge. A small terrace is proposed beyond the kitchen space on the South West corner of the building.

Within the roof space (first floor) there are two bedrooms and a bathroom. Above the lounge and dining space is a void in the roof space.

The lower ground floor level incorporates a master and two further bedrooms with bathrooms. There is access from two of the bedrooms and steps to the side leading down onto a terrace, again in the South West corner of the building.

At Garden Level, ancillary rooms are indicated. They will be developed into the undercroft appearance. The undercroft element will be finished in stone.

A lift in the North East corner services all floors.

Previously the access was approved from a single point shared by the two proposed properties, however this proposal indicates a separate entrance to the

highway.

### **Summary Of Consultation Responses**

*Highways:* No Objection – Note about standard of footway crossover.

*Strategic Transport:* Recommend the application of the Planning Contributions Supplementary planning Document towards the provision of walking and cycling improvements in the area. At least one cycle parking space should be available and suitably accessible.

*Natural Environments:* Comments awaited and not received at time of writing.

### **Summary Of Representations**

Two letters of objection have been received. One from the immediate neighbour at 8 Thatcher Avenue and one from 2a Thatcher Avenue. The issues raised were as follows:

- Impact on views and outlook
- Impact on privacy and overlooking
- Covenant concerns

The issue of Covenants is not a material planning consideration and does not therefore form part of the consideration for this application, recommendation or decision.

These are reproduced at Page T.203.

### **Relevant Planning History**

P/2008/0170 Demolition Works And Formation Of 2 Detached Dwellings With Vehicular/Pedestrian Access (In Outline) – PERMITTED 24.04.2008

P/2008/0923 Demolition Works And Formation of 2 Detached Dwellings With Vehicular/Pedestrian Access – PERMITTED 29.08.2008 (Reserved Matters)

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

The principle of a dwelling in this location has been given previous consideration and was deemed acceptable. It was approved as part of a pair of detached dwellings which had significant similarities. The design of this proposal differs significantly.

The key issues include the impact on neighbour amenity. visual impact (on the streetscene, existing dwelling and wider area), access and trees and landscaping issues.

### *Neighbour amenity*

There are considerations for the impact on the neighbours on both sides of the application site, namely addresses 8 and 12 Thatcher Avenue. With regards to the sites at the rear, this is currently undeveloped although planning applications are current. In any case the distances involved and the siting of the protected trees along the boundary will mean that there would be no impact on the amenity of any occupiers, and certainly no addition to the previous approval.

With regards to 8 Thatcher Avenue there are side facing windows on the proposed property which could overlook the building and impact on the amenity. It is important to recognise the inclusion of a condition restricting all side facing windows to obscure glazing on the side elevations. In considering the impact of any such side windows it is considered relevant to impose that condition on this application as well. There is no projecting balcony on this side of the building although the full height gable ended projection of the building does project out further than the previous approved application. Nevertheless it remains at least 0.2 metres less than the projection of the balcony of 8 Thatcher Avenue. With the side windows of this projecting gable obscured, by condition, there would be no opportunity for overlooking or indivisibility. The issue of view has been raised within the objections. This is not a pure issue for consideration however on assessment of the issues and given the additional projection it is noted that the proposed development could impact on the outlook from the adjacent property. In this case however, such is the projection of 2.1 metres from the rear of the building of the adjacent property and the angles involved, it is not considered to have a significant nor harmful affect on the outlook.

In considering the impact on 12 Thatcher Avenue again the previous conditions hold relevance. There are side windows indicated which could result in overlooking of the adjacent property therefore resulting in a loss of privacy and a detrimental impact on the amenity of that occupier. Additionally there is an extended terrace projecting from the street level which could also provide the opportunity for overlooking. No privacy screen is indicated although it is considered that it could be appropriately included by way of condition. The siting of the building and the height/shape of the roof will mean that the overall impact of the mass of building is reduced from the previous approval.

Therefore, in terms of the relationships of the proposed dwellings with their immediate next door neighbours, the impact is considered to be acceptable. It is considered that the relationship will not cause significant harm to the amenities of these properties by way of loss of light, over-dominance or overlooking.

### *Visual Impact*

The proposed dwelling will present itself as single storey, with accommodation in the roof space and gable ends, facing the road. The use of materials differs significantly from that previously approved and the overall design returns to one similar, in so much as including a pitched roof with gables and hips, to the wider

more original character of the area. There is a very strong glazing theme repeated in all the gables on the front and rear elevations. The glazing is supported with timber frames.

The streetscene elevation will be largely in keeping with the varied but broad character of the area and will not be imposing given the degree to which it is set back.

The seaward view must also be considered, this is visible from Ilsham Marine Drive below and whilst the public view of the site will be obscured when the site at the rear is redeveloped it can not be considered with this application. The rear elevation, especially the projecting gable, will be a prominent feature and one that would differ in appearance and scale from either neighbour. However, it is not considered that the difference, although significant, is detrimental to the overall appearance or character of the area.

The overall appearance, scale and mass of the property are considered to vary from the typical character of the surrounding properties. However it is also recognised that the modern property, recently approved, at 8 Thatcher Avenue also differs significantly. There is an establishment of varied character and design in the wider area as many of the properties undergo redevelopment. This design fits between the modern redevelopment whilst connecting to and sharing aspects of the original character.

#### *Trees*

In this case, at the time of writing the report the consultation with arboricultural officer was ongoing. The previous application was considered acceptable in respect of the impact on trees, with conditions. An update on this situation will be presented to the committee.

#### **Climate change -**

The design and access statement mentions the opportunity for the use of energy efficient heating, lighting and power solutions. It highlights the opportunities for solar renewable energy, perhaps through solar slates. Rainwater collection and sustainable heat opportunities are also described. No detailed information has been provided in respect of these aspects.

#### **Environmental Enhancement -**

There are protected trees on the site and a significant tree sited on the boundary of the application site and 12 Thatcher Avenue. The design and access statement includes some information about its protection through development and this is considered very important in the setting of the building. The tree is in proximity to the development and therefore a condition to ensure its protection is considered appropriate and necessary. Some boundary landscaping has been indicated, which is considered appropriate to ensure that the proposal doesn't adversely affect the appearance of the streetscene or the amenity of

neighbouring occupiers.

### **Accessibility -**

A new individual access is proposed which has raised no objection from the Highway Authority. The previous application had indicated a shared access but this is not considered to be essential. There are many accesses along the road, at least one to serve each property and therefore this is not considered to affect the streetscene. Off street turning space is indicated along with two garaging spaces. No cycle storage is indicated and this is important for the promotion of sustainable travel and it is considered then to be appropriate to ensure that all new development supports the use of all means of travel, this can be achieved by way of appropriate condition.

**S106 / CIL -** In assessing the proposal against the provisions of the Planning Contribution and Affordable Housing Supplementary Planning Document it is considered that the development could require a contribution. However, given that the previous development has been, in part, implemented and could be completed at any time without the payment of a contribution it is not considered appropriate to require the payment/agreement in this case.

### **Conclusions**

On reflection of all of the issues discussed in this report it is considered that the proposed development accords with the policy, specifically as set out within the Saved Adopted Torbay Local Plan 1995-2011. For this reason the application is deemed acceptable and is therefore recommended for approval.

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

01. Prior to the first occupation of the dwelling hereby approved the windows and doors in the side elevations of the buildings shall be glazed in obscure glass, to a level of or equivalent to Pilkington Level 5, and shall remain as such at all times thereafter. Additionally no windows or doors on the side elevations shall be openable unless the openable element is greater than 1.7 metres from the floor level of the room to which the window relates.

Reason: In the interests of the amenities of adjoining occupiers, in accordance with Policy H2 of the Torbay Local Plan 1995-2011.

02. Prior to the first occupation of the dwelling hereby approved an obscure screen shall be provided to the West side of the terraces shown. These screens shall be at a level of obscurity which is of or equivalent to Pilkington Level 5 and shall remain as such at all times thereafter.

Reason: In the interests of the amenities of adjoining occupiers, in accordance with Policy H2 of the Torbay Local Plan 1995-2011.

03. Prior to the first occupation of the dwelling hereby approved the parking, turning areas and garaging shown on the drawing shall be provided and shall remain available for parking purposes thereafter.

Reason: To ensure adequate off-street parking is provided, in accordance with Policy T25 of the Torbay Local Plan 1995-2011.

04. Prior to the commencement of the development hereby approved a scheme for the hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- hard surfacing materials;
- 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;
- garden levels (as existing and proposed)
- implementation programme.

Reason: In the interests of the appearance of the area and the landscape character, in accordance with Policies BES, LS, and L9 of the Saved Torbay Local Plan 1995-2011.

05. Prior to the commencement of works on the site in relation to this consent details of waste and recycling storage facilities shall be submitted to and approved by the Local Planning Authority. Prior to the first occupation of the dwelling these facilities shall be made available and retained at all times thereafter.

Reason: To ensure adequate facilities are provided, in accordance with Policy W7 of the Torbay Local Plan 1995-2011.

06. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no development of the types described in Schedule 2, Part 1, Classes A, B, C, D and E shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the area, in accordance with Policies H2, BES and BE1 of the Torbay Local Plan 1995-2011.

07. Prior to the commencement of works on the site in relation to this consent details of at least one secure cycle storage space shall be submitted to and approved by the Local Planning Authority. Prior to the first occupation of the dwelling this space/s shall be made available and retained at all times thereafter.

Reason: To ensure accessibility to, and promote use of, sustainable transport, in accordance with Policy T2 of the Torbay Local Plan 1995-2011.

**Relevant Policies**

- HS Housing Strategy
- H2 New housing on unidentified sites
- H9 Layout, and design and community aspects
- H10 Housing densities
- BES Built environment strategy
- BE1 Design of new development
- TS Land use transportation strategy
- T25 Car parking in new development
- T26 Access from development on to the highway
- LS Landscape strategy
- L9 Planting and retention of trees

**Application Number**

P/2011/1383

**Site Address**

Vospers  
108 Newton Road  
Torquay  
Devon  
TQ2 7AB

**Case Officer**

Mr John Burton

**Ward**

Shiphay With The Willows

**Description**

Alterations and formation of extension of existing car showroom; construction of new car service workshop including parts storage and staff facilities

**Executive Summary/Key Outcomes**

The application seeks the reconfiguration of an existing and long standing garage use site, with the addition of servicing and workshop bays at the rear. The garage is now the Ford main dealer in Torquay, and following the recent loss of the servicing facility in Broomhill Way, needs to expand the service it offers to its customers. The proposal will result in new jobs at this site, although they will in reality probably only be relocated from the Broomhill Way site. This part of Newton Road is characterised by car dealerships, and the proposal would inject a degree of competition without being out of place itself. The road is big enough and of a designation suitable to cater for any increase in commercial activity that might arise from the new servicing facilities. The main difficulty that could arise from the proposal is perceived to be the proximity of residential properties to the south-east, but it is considered that their rights to amenity can be controlled by suitable conditions relating to hours of operation, noise, smell and activity.

**Recommendation**

Subject to a Member site visit, particularly to assess the impact upon the adjacent residential properties, and subject to the views of the Arboricultural Officer, conditional approval.

**Site Details**

Car sales garage and associated customer parking, lying between residential properties on Newton Road and Torquay Fire Station, with the hospital to the rear but at a higher level.

**Detailed Proposals**

Permission is sought to redesign the existing facility to allow for an enlarged sales, reception and office area in the main building at the centre of the site. The proposals include a new suite of servicing and valeting bays at the rear of the site together with a parts shop all at ground floor level, and with toilets and a canteen

above. The proposal also includes the re-marking of vehicle display and customer parking spaces within the site and the cutting back of the existing canopy (making it smaller). The materials shown for both the new workshop and the sales buildings are a mixture of brickwork, metal cladding and curtain wall glazing in various shades of grey, black and blue. It is indicated that signage would be re-located and there would be new signage, although this would need to be the subject of a separate advertisement consent application. Three trees currently at the rear of the site are shown as being removed, but these are not protected.

### **Summary Of Consultation Responses**

*Fire Authority:* Has responded by deferring judgement until the building Regulation stage.

*Highways Authority:* No objections, but recommends that the standard SPD contributions should apply for sustainable transportation.

*Arboricultural Officer:* Observations awaited regarding the 3 trees shown to be lost.

*Environmental Health Officer:* Does not object to the proposal so long as the terms and conditions of the Environmental Report are carried out as suggested in section 10.0 (Conclusions and recommendations).

### **Summary Of Representations**

One received from a neighbouring property, and this is reproduced at page T.201. The main gist of the concern is with the new car servicing and valeting area, where there are concerns over potential noise generation, loss of light, loss of privacy/amenity and potential conflict with increased traffic usage of an access point close to the residential access.

### **Relevant Planning History**

P/2000/1160 Alterations and erection of extension to existing building to provide an 8 bay workshop and extension to provide a 2 bay vehicle preparation building. Approved 2nd November 2000, but not subsequently implemented. A copy of that decision notice is reproduced at page T.201.

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

There are 4 main issues arising from the proposed development, namely (1) policy considerations, (2) the relationship and impact of the proposed development to neighbouring properties, (3) the visual impact of the proposed development, and (4) highway implications.

### **Principle, Planning Policy and economy -**

The proposal seeks to consolidate the Ford (automobile) main dealership in Torquay and introduce a new Renault dealership. There are a number of other

car dealerships and garages along this stretch of Newton Road, and this would appear to be the ideal location for such an expansion. The new provision of servicing and valeting would create new jobs, but probably only compensate for those lost at the previous such facility which was located at the Broomhill Way Trading Estate. Nevertheless it is considered to be important to the economy of Torquay that such a facility is encouraged, rather than running the risk of its loss to relocation. This should not however take precedence over other interests of acknowledged importance.

The proposal can therefore be considered to be in accordance with policy E5 (*employment provision on unidentified sites*), because it would maximise the re-use of urban land, provide employment opportunities within easy access of the local workforce, is not considered to adversely affect the built or natural environment, and can be controlled by conditions to prevent adverse impact upon neighbouring residential properties. These issues will be explored in more detail below.

**The relationship to neighbouring properties -**

The proposal is not considered to adversely affect the Fire Station, as there would not be any late night operations at the site that could impact upon amenity of any 'night watch accommodation', and there would be no highway conflict with the access required for emergency exit at the station.

The proposal could however impact upon the residential amenity of those residential properties located on the south-eastern boundary of the site, namely nos. 102, 104 and 106 Newton Road. The question is whether or not this would be an unacceptably adverse impact. It is noted that the bays closest to the houses are valeting bays and not service workshops, which would tend to create less noise. All of the units are shown at right angles to the dwellings so that the doors and openings do not face towards the properties. The existing and proposed new retaining wall will therefore provide a degree of screening from noise. It is a material consideration that this issue was also considered at the time of the 2000 application for a similar proposal, and the perceived noise nuisance at that time was overcome by restricting hours of operation. On balance it is considered that similar time restrictions would overcome potential disturbance from noise with the current application, as it prevents use of the premises between 7:00 pm and 8:00 am (and restricts use at the weekend) which are the most noise sensitive times. The Environmental Health Officer has not raised any objection nor seeks any additional restrictions or controls in respect of noise. On this basis and subject to the same condition as with the previous consent, it is concluded that there should not be any objection on noise grounds.

In terms of potential residential impact from visual amenity, loss of light or loss of privacy, this is not considered to be over-riding as the application site is to the north-east of the residential properties (sunlight comes mainly from the south)

and is at a slightly lower level than the dwellings. The new workshops would protrude some 5 metres above the existing retaining wall, and this could cause some concern, so Members are requested to make this judgement at their site visit. However it should be noted that the proposal site faces the side of no. 106 and is aligned facing the rear garden rather than the dwelling itself. The stairs shown on the boundary are designated as a fire escape and can be controlled as such.

#### **Visual impact -**

Although the proposal comprises significant extensions and new build to that currently existing, the new development is located to the centre and rear of the site and it is not felt that it would have any adverse visual impact when viewed from the road, particularly given the significant commercial/service feel that exists along this stretch of Newton Road. The new building in the centre of the site would be beneath the centre of the existing canopy and so would not increase the visible height of the buildings on site. The plans also include for a significant reduction in the length of the canopy, which is perceived to be a visual improvement to the appearance of the forecourt. The use of materials and colour scheme proposed is in keeping with the commercial nature of Newton Road, and is of darker shades which would limit the impact. The loss of the trees as indicated would not adversely impact upon visual amenity as they are currently located to the rear of the site and not readily visible from Newton Road.

#### **Highways considerations -**

The Highways Authority is not raising an objection. Newton Road is wide enough and has enough capacity to take any increase in traffic that might be generated by the proposal. The garage has its own currently existing access and so there is not considered to be any conflict with the accesses to the residential properties or the Fire Station. Any delivery arrangements would be as currently exist.

#### **S106/CIL -**

The only justifiable contribution that could be apportioned to this site would be Sustainable Transportation. Waste Management would be dealt with privately. However, it is not clear that the provision of service bays and valeting are genuinely new facilities because Vospers used to conduct these facilities at their Broomhill Way site, now ceased. It is also reasonable to consider whether any mitigation should be applied because of the provision of new employment opportunities, but likewise this could be seen as a transfer of jobs from the previous site. Newton Road is extremely well provided for by buses and currently has a designated cycle route, so it is understood that any money raised could not be spent locally, as required by the Regulations. Given all of these circumstances, it is not felt appropriate to levy a s106 contribution in this case.

#### **Conclusions**

The proposal seeks to expand existing facilities at the site of vehicle main dealership. It therefore involves development on an urban brownfield site. The

proposal is consistent with many similar car dealerships and garages that exist along this stretch of Newton Road. There are some concerns in relation to the adjoining residential properties, particularly no. 106 Newton Road, and Members are asked to assess this at a site visit. Officers are of the opinion that any perceived loss of amenity could be satisfactorily controlled by conditions. There are no objections from the Highway Authority. A similar proposal was approved in 2000 but never implemented. This is a material consideration.

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

01. All lighting at the property (except security lighting) shall be switched off between the hours of 10.00 pm and 7.00 a.m. daily.

Reason: To protect the amenities of adjacent residential occupiers in accordance with policy EP5 of the Saved Adopted Torbay Local Plan.

02. The development shall not be used/occupied until all of the vehicle parking areas shown on the approved plans have been provided and made available for use. The parking areas shall only be for the use specified on the approved drawings and shall be kept permanently available for parking purposes to serve the development, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure adequate parking is provided and maintained on site for all the proposed uses, to avoid parking on the highway in the interest of highway safety, and to assure accordance with policy T25 of the Saved Adopted Torbay Local Plan.

03. The workshops, service bays and valeting areas hereby approved shall only be used between the hours of 8.00 am to 7.00 pm on Mondays to Fridays, and 8.00 am to 1.00 pm on Saturday mornings. No work (other than car sales) shall be carried out on the site on any Sunday or other public holiday.

Reason: To ensure that the proposed development does not prejudice the amenity currently enjoyed by occupiers of the adjacent residential properties in accordance with policy EP4 of the Saved Adopted Torbay Local Plan.

04. In implementing the scheme hereby approved, the applicant shall have regard to the conclusions and recommendations given in section 10.0 of the Phase I desk study/phase II geotechnical and geo-environmental investigation report dated September 2011. The recommendations of this report shall be carried out in full and any risks identified shall be remediated in full to the satisfaction of the Local Planning Authority before the new use is first used or implemented.

Reason: To insure that the new use is implemented and then managed in an environmentally safe manner as prescribed by the technical report, in the interests of human and environmental safety, and to ensure accordance with policies EP3 and EP7 of the Saved Adopted Torbay Local Plan.

**Relevant Policies**

-

**Application Number**

P/2012/0053

**Site Address**

46 Tamar Avenue  
Torquay  
Devon  
TQ2 7LP

**Case Officer**

Miss Alix Cathcart

**Ward**

Shiphay With The Willows

**Description**

Excavation of front garden to form off street parking for 2 vehicles with vehicular access.

**Executive Summary:**

This proposal provides for parking in the front garden, similar to other residential properties nearby, including the neighbouring houses either side, and which would maintain the character of the road.

**Recommendation:**

Approval.

**Site Details**

1930s semi-detached two-storey house on south side of Tamar Avenue. This residential road has wide grass verges and trees standing within the highway verge, contributing to the character of the road, as do the front gardens of the houses.

The application is being brought before the Committee because the applicant is a member of staff.

**Detailed Proposals:**

Creation of a vehicle parking space within the front garden for two vehicles. Width 6.1m, depth 5.5m. Excavation would be required to a maximum depth of 1.8m, with the sides finished in rendered walls, to match house, with railing and pillar surround.

**Consultation Responses:**

*Highways and Engineering Officer:* Highways have no objections to this application. For access to the parking area a formal footway crossover would need to be constructed under licence to the highways department by a contractor who is suitably qualified to work on the Public Highway with the relevant £5million public liability insurance.

**Relevant Planning History:**

None found in respect of the application site.

Approval decisions noted relating to other properties in Tamar Avenue:

95/1446 44 Tamar Avenue

05/1017 52 Tamar Avenue

06/0012 34 Tamar Avenue

06/1122 20 Tamar Avenue

**Key Issues/Material Considerations:**

The proposal would improve the amenities of the applicant's house.

The main issues in this case are the resulting relationship of the application site with the neighbouring residential occupiers either side and the resulting appearance of the property in the street scene.

The proposed new parking area would be sited at a level lower than the front window of the adjoining property, 48 Tamar Avenue. It is considered that there would be no material detriment to the amenities of those neighbouring occupiers arising from vehicle parking or from the proposed railings/fencing on the shared front boundary. There would be little change in the relationship of the application site with the property on the other side, 44 Tamar Avenue.

Where houses have permitted development rights, as is the case here, vehicle hardstandings can be introduced as permitted development. In the present case, planning permission is required because of the excavation involved. The proposal would result in the loss of the majority of the front garden area. However, it is noted that there are a number of other similar developments nearby which have not harmed the character of the road and it is considered that the impact of the proposal would be similar and would not result in material harm to the character of the area.

**Sustainability**

Environment Agency Flood Risk Map Status, Flood Zone 1 – Standard advice applies. Surface water drainage is proposed to drain to a permeable edging within the application site, which is a method that achieves SUDS objectives.

**Summary of Representations:**

No objections.

**Section 106/CIL:**

Not applicable.

**Conclusions**

The proposal reflects Local Plan Policy criteria and is recommended for approval.

**Informative(s)**

01. The applicant is requested to contact this Council's Highways Division, on 01803 207729, in respect of the pavement crossover.

02. Summary of reasons for the grant of permission: This proposal meets Local Plan policy criteria because of its size, siting and design. The scheme is appropriate in respect of its appearance and its impact on nearby residential occupiers.

**Relevant Policies**

H15 House extensions

# Agenda Item 15

## **Application Number**

P/2012/0078

## **Site Address**

Westhill Garage  
Chatto Road  
Torquay  
Devon  
TQ1 4HY

## **Case Officer**

Mrs Helen Addison

## **Ward**

St Marychurch

## **Description**

Extend time limit - residential development comprising 8 houses, 3 flats, 2 bungalows and 2 maisonettes (15 units in total) with vehicular/pedestrian access - application P/2009/0422

## **Recommendation**

Subject to the signing of a S106 Legal Agreement in terms acceptable to the Executive Head of Spatial Planning, within 6 months of the date of this committee meeting conditional planning consent be granted. Conditions are set out at the end of the report.

## **Site Details**

Existing garage located on the east side of Chatto Road, south of the junction with Westhill Road. The site incorporates the existing garage, the 'barn' to the south of the site and an area to the north east of the garage. Adjoining the site to the north are two terraces of houses which have been completed in the last few years.

Chatto Road slopes in a southerly direction past the site. The majority of the site is visible in the street scene. There is a low stone wall along the front boundary. The surrounding area is predominantly in residential use. There is no allocation relating to the site in the Torbay Local Plan 1995-2011.

## **Detailed Proposals**

This application is submitted as a renewal of application reference 2009/0422. It is for the construction of a terrace of 4 x 2.5 storey dwellings, each containing 3 bedrooms along the western frontage of the site, facing Chatto Road. Adjoining this on the north west corner would be a corner building containing 3 apartments. Along the northern edge of the site would be a terrace of 4 x 2 bed, 2.5 storey houses; this along with the adjoining bungalow for a disabled person would constitute the affordable element of the scheme. To the rear of this, to the east of the site would be located a 2 bedroom bungalow and to the rear of this (south east), the existing stone barn would be converted in order to create 2 x 2 bed

flats. Pedestrian access to the rear of the site would be adjacent to 59 Chatto Road, to the east of the proposed bungalows. 15 parking spaces would be provided to within the area of land to the north east of the site, two spaces would be provided in front of the bungalow, including a disabled parking bay and 3 spaces would be provided adjacent to the barn, accessed from Daison Crescent.

### **Summary Of Consultation Responses**

*Historic Environment Officer:* Recommends a condition requiring a programme of archaeological work prior to development.

*Highways:* Object to the proposal due to inadequate visibility, turning space is shown on adjacent land in different ownership, the junction would be opposite Main Avenue, creating a cross roads situation, insufficient parking provision. Requires provision of cycle parking.

*Environmental Health Officer:* Consultation response awaited. (Requested a land contamination condition in respect of application 2009/0422).

### **Summary Of Representations**

One letter of objection reproduced at T.204. The following issues are raised;

- Constitutes over development of site
- Proposed access is immediately opposite Main Avenue and close to the busy junction of Chatto Road and West Hill Road, sight lines are poor and there are two bus stops nearby.
- Proposal would result in increased on street parking and increase in traffic

### **Relevant Planning History**

P/2003/1668 Alterations and extensions to form new MOT bay, installation of roller shutter doors. Refused 4/12/2003.

P/2004/0343 Alterations and extensions to form new MOT bay, installation of roller shutter doors (revised scheme). Approved 26/4/2004.

P/2006/2017 Formation of 22 one and two bedroom flats and 22 parking spaces plus 2 visitor spaces single "cottage industry" unit within existing building with 2 allocated parking spaces. Withdrawn 08/02/2007.

P/2008/0378 Formation of 12 no 3 bedroom houses and 6 no 1 bedroom flats with retention of a single "cottage industry" unit with 16 parking spaces and vehicular/pedestrian access. Refused 20/5/08.

P/2008/1393 Formation of 8 no 3 bedroom houses, 4 no 2 bedroom houses and 1 no bungalow for disabled persons together with formation of 2 no 2 bedroom maisonettes within an existing stone barn with vehicular/pedestrian

access. Refused 29/12/08.

2009/0422 Residential development comprising 8 houses, 3 flats 2 bungalows and 2 maisonettes (15 units in total) with vehicular/pedestrian access approved 28.7.09

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

The key issues in determining this application are considered to be (1) the impact on visual amenities, (2) the impact on neighbour amenities, (3) the impact on highway safety, (4) Archaeology and (5) S.106 requirements.

### **Impact on visual amenity**

Following refusal of application reference 2008/1393 the design and layout of the proposed scheme were revised to achieve an acceptable form of development under application reference 2009/0422. Since this previous decision there has been little change in policy which would affect the consideration of this proposal.

The proposal would provide frontage development facing Chatto Road which would be consistent with the established character of the area. There would be a feature building on the corner which would provide the development with a focus at the entrance. This building would be set back from the building line which would reduce its visual impact as it would be 4 storeys in height. The street scene elevation shows that the height of the 4 storey element would be similar to the adjoining terrace of dwellings to the north. Development at the rear of the site would consist of two bungalows. The principle of a terrace of dwellings would be consistent with the character of the area. The density of development on the site would be higher than the surrounding area as the proposal would make effective use of site.

### **Impact on neighbour amenities**

The construction of bungalows at the rear of the site would result in no adverse impact on the amenity of the occupier at 14 Daison Crescent. It is noted that the roofs of the bungalows would pitched and would slope away from this property. The proposed dwellings adjacent to 59 Chatto Road would be sufficient distance from this property to prevent an adverse affect on residential amenity.

### **Highway safety**

The Highways Officer has repeated his previous advice in respect of the proposal which raises concern about highway safety. Traditional guidance on highways matters was that no more than 5 dwellings should be served off a private drive and as such a road serving a development of this size should be adopted. Due to

the physical constraints on the developable area of this site and the visibility problems at the entrance the access would not meet the criteria for being adopted. Advice to Members previously was that the Manual for Streets which was produced in 2007 provides updated advice on highways matters and makes it clear that this is not a formal requirement. The existing use of the garage, by its very nature attracts a high number of vehicular movements, and the proposed layout will improve visibility from what exists at present, by removing the car display area from the frontage of the site. The cross roads situation referred to by the highways officer already exists as the proposed access point is that of the adjacent development. This is a busy section of road, near a bus stop, opposite a junction and with lots of parked cars on the road. However these hazards serve to slow down the traffic in the area. As such whilst it is accepted that from a technical point of view the proposed access may not be ideal, a precedent has been set and it is not considered reasonable to withhold consent on the basis of poor visibility at the access.

20 parking spaces are proposed for the 15 units. This ratio is considered to be reasonable given the proximity to bus routes and the relatively close proximity to local facilities. There is considered to be adequate turning facilities on the site without the need to encroach on the adjoining site, should it become unavailable. Therefore on the issue of highway safety the scheme is considered to be acceptable.

Since the previous decision the Manual for Streets has been updated. In addition parking standards have been reduced. Further discussions will be held with the highways officer on this matter to look at whether there is the potential for any alterations to improve the situation.

### **Archaeology**

An archaeological survey of the site will be required as there is potential for prehistoric, Roman and Medieval remains on the site. This can be addressed by means of a condition.

### **S106/CIL -**

The application will provide 15 units of accommodation which would increase the burden on local services. Section 106 of the 1990 Planning Act provides a mechanism for recouping these costs from the developer.

Since determination of application reference 2009/0422 the Council's Supplementary Planning Document "Planning Contributions and Affordable Housing" has been updated. In accordance with this the following contributions would be required;

- |                        |         |
|------------------------|---------|
| - Waste Management     | £ 550   |
| - Stronger Communities | £ 1,630 |

- Lifelong Learning	£ 3060
- Greenspace	£16,108
-Loss of Employment	£12,390
-Sustainable Transport	Nil
<b>TOTAL</b>	<b>£26,049.15</b>

#### Affordable Housing

- Social Rented – 3 x 2 bed houses
- Shared Ownership – 1 x 2 bed house and 1 x 1 bedroom disabled bungalow

It should be noted that the contributions currently requested are £7130 higher than paid in respect of application reference 2009/0422.

#### **Conclusions**

In conclusion, the proposal is to renew a previously approved scheme for residential development on the site. There has been no material change in circumstances since the previous decision, and therefore there is a presumption that planning permission would be granted.

The principle of residential development on this site would be acceptable due to it being consistent with the predominant use of the surrounding area. There is an objection from the highway officer which was previously taken into consideration in the determination of the application and planning permission was granted on the basis that the existing access is used by a commercial garage and the proposed use would not intensify the use of this access.

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

01. Prior to the commencement of the development hereby approved details of the proposed materials to be used in the external construction of the buildings and in any hard surfaced areas of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in the approved materials.

Reason: In the interests of the visual amenities of the locality, in accordance with policy BES, BE1 and H2 of the Saved Adopted Torbay Local Plan 1995 – 2011.

02. Prior to the commencement of the development hereby approved details of the proposed windows, doors and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality, in accordance with policies BES, BE1 and H2 of the Saved Adopted Local Plan 1995 – 2011.

03. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing by the Local Planning Authority:

- (a) A preliminary risk assessment/desk study identifying:
- All previous uses;
  - Potential contaminants associated with those uses;
  - A conceptual model of the site indicating source, pathways and receptors;
  - Potentially unacceptable risks arising from contamination at the site.
- (b) A site investigation scheme, based in (a) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
- (c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (d) A verification report providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirement for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: Due to the fact that the site used to be a garage and the potential for contamination. In accordance with policy EP7 of the Saved Adopted Local Plan 1995 – 2011.

04. No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to, and approved by the Local Planning Authority in writing. The scheme shall include: a programme and methodology for site investigation and recording; post investigation assessment and analysis; publication; and archive deposition.

Reason: Where an important archaeological site will be materially damaged or destroyed as a result of development following the granting of planning permission, the developer will be required to make provision for its archaeological recording, preservation, storage and publication as a condition of the permission, in accordance with Policies BE9 and BE10 of the saved Torbay Local Plan 1995-2011.

05. Prior to the first occupation of any of the dwellings hereby approved, the parking spaces shown on the approved drawings shall be laid out in accordance with the drawings and shall be maintained and kept available for parking purposes thereafter.

Reason: To ensure that adequate parking is available for future residents, in accordance with policy T25 of the Saved Adopted Torbay Local Plan 1995 – 2011.

**Relevant Policies**

- HS Housing Strategy
- H2 New housing on unidentified sites
- H6 Affordable housing on unidentified sites
- H9 Layout, and design and community aspects
- H10 Housing densities
- CFS Sustainable communities strategy
- BES Built environment strategy
- BE1 Design of new development
- TS Land use transportation strategy
- T1 Development accessibility
- T2 Transport hierarchy
- T3 Cycling
- T25 Car parking in new development
- T26 Access from development on to the highway
- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPS5 Planning for the Historic Environment