

Application Number

P/2013/0740

Site AddressLand Adjacent
45 Stanley Gardens
Paignton
TQ3 3NX**Case Officer**

Mr Alexis Moran

Ward**Description**

Detached house and associated access/on site parking.

Executive Summary/Key Outcomes

The application is for the construction of a detached dwelling. Access is to be considered as part of this application but the remaining matters of appearance, landscaping, layout and scale are to be addressed at reserved matters stage.

The principle of residential use on the site would be consistent with the character of the surrounding area and is deemed to comply with polices BES, BE1 and H9 of the saved adopted Torbay Local Plan 1995-2011.

Recommendation

Conditional Approval; subject to the signing of a s106 legal agreement or receipt of upfront payment in respect of relevant commuted sums.

Statutory Determination Period

8 weeks, expires 20.09.2013. The timescale for signing the S106 agreement which in this case will be on the sale of the site (as it is in the Council's ownership) will determine when the decision is issued. It is likely this will exceed the target date.

Site Details

The site is a plot next to 45 Stanley Gardens and is located at the end of a cul-de-sac.

Detailed Proposals

The application seeks outline planning permission for the addition of a detached two storey residential property with associated parking to the front.

Summary Of Consultation Responses

Drainage - A condition will be required in order to ensure the application meets the requirements of the NPPF

Arboricultural Officer - Awaiting Comments

Highways Officer - Awaiting Comments

Summary Of Representations

Two letters of objection had been received at the time of the writing of this report these relate to:

- Parking
- Access

Relevant Planning History

None

Key Issues/Material Considerations

The principle of a dwelling in this location is considered to comply with policies BES, BE1, H2 and H9 of the saved adopted Torbay Local Plan 1995-2011.

The key issue to consider is the impact that a detached property would have on the character of the area which is predominantly made up of terraced and semi-detached properties with a distinct building line.

Given its siting, at the end of an access lane on a cul-de-sac, it is considered that the proposal would be an acceptable addition which would not be highly visible and would not therefore harm the character of the area. The proposal has an acceptable impact on the privacy and amenity of its neighbour however this will need to be given more consideration when the reserved matters application is received.

The application is in outline with the appearance, layout and scale to be considered at reserved matters stage. Therefore the form of development does not need to be addressed at this time. It is the principle of the development on the site that should be considered under this application.

S106/CIL -

As part of this process the application has been assessed against the Council's adopted Planning Contributions and Affordable Housing Supplementary Planning Document and subsequent updates ('the SPD'). This requires all appropriate developments to mitigate any adverse impacts they may have, individually and collectively, on the community infrastructure of Torbay.

In this instance the SPD indicates that a financial contribution will be required. A calculation of the contribution, based on the type and size of development proposed and including any relevant mitigation, is provided below:

Planning Contributions Summary	Contribution	Early Payment
Waste Management (Site Acceptability)	£50.00	£47.50
Sustainable Transport (Sust Dev't)	£2,527.25	£2,400.89
Education (Sustainable Development)	£1,057.25	£1,004.39
Lifelong Learning (Sustainable Dev't)	£227.25	£215.89
Greenspace & Recreation (Sust Dev't)	£2,187.25	£2,077.89
South Devon Link Road	£731.00	£694.45
Total	£6,780.00	£6,441.00
Administration charge (5%)	£339.00	£322.05
Total with Admin Charge	£7,119.00	£6,763.05

Conclusions

The principle of the proposed dwelling in outline is considered to be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations.

Condition(s)/Reason(s)

01. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before

any development begins and the development shall be carried out as approved.

Reason: To ensure a satisfactory form of development and in accordance with policies BES, BE1, H2 and H9 of the saved adopted Torbay Local Plan 1995-2011.

02. The development shall not be occupied until the vehicle and cycle parking areas shown on the details to be submitted and approved under Condition 1 above 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 Saved Adopted Torbay Local Plan 1995-2011

03. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced or before the building occupied. Development shall be carried out in accordance with the approved treatment.

Reason: In the interests of the amenity of the area in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

04. 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 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 H10, L10, BE1 and BE3 of the Torbay Local plan (1995 - 2011).

05. 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 ensure a satisfactory completion of development in accordance with policies BE1 and H9 of the saved adopted Torbay Local Plan 1995-2011.

06. Details of a sustainable drainage system which meets the requirements of the NPPF shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to protect against flood risk and to comply with advice contained in chapter 10 of the NPPF.

Relevant Policies

BES - Built environment strategy

BE1 - Design of new development

H2 - New housing on unidentified sites

H9 - Layout, and design and community aspects
T25 - Car parking in new development
T26 - Access from development on to the highwa