

**Application Number**

P/2015/0755

**Site Address**

The Cottage  
Windmill Lane  
Paignton  
Devon  
TQ3 1AA

**Case Officer**

Mr Alexis Moran

**Ward**

Preston

**Description**

Provision of 2 x new 3 bedroom dwellings with garages and associated works

**Executive Summary/Key Outcomes**

The application seeks permission for the demolition of the existing property on the site, The Cottage (formally known as Windmill Cottage) and its replacement with two dwellings of one and a half stories each.

The concept of the proposed dwellings takes note of the Grade II Listed windmill adjacent (which has recently gained planning permission for a residential use). Their design, size and siting, particularly the separation distance, compliment the setting of the Listed Building and would not be in conflict with policy BE5 of the saved adopted Torbay Local Plan 1995-2011.

The Cottage has been unsympathetically extended in the past and has no design merit that makes it worthy of retention. The principle of demolition and redevelopment on the site is acceptable. Subject to achieving a good quality design the proposed redevelopment would not have a significant impact on the setting of the adjoining Listed windmill.

There is a mix of dwelling sizes and types in the area, albeit that the immediate vicinity comprises mainly single storey properties. However, due to the location of the site, between properties on Longmead Road and Dolphin Court Road, the proposed dwellings will not appear incongruous or highly visible in the streetscene.

A number of objections to the proposal have been received from nearby residents. The relationship in terms of privacy and neighbour amenity is considered to be acceptable, subject to revisions to the rear first floor windows on plot 1., Providing these windows are amended the proposal would not result in any direct overlooking into the rear of the closest properties on Longmead Road. The proposed dwellings are in excess of 20m from the properties on Dolphin Court Road. This proposal had previously been considered by and was deferred

at DMC (12.08.2013) in order to revise the height and design of the proposed dwellings.

### **Recommendation**

Conditional Approval; Subject to revised fenestration at first floor level of plot 1, submission of drainage details and the completion of a section 106 agreement or payment by unilateral undertaking within three months of the date of this committee. The proposed conditions are listed at the end of this report.

### **Statutory Determination Period**

This application has an 8 weeks determination period which expires on 07.10.2015.

### **Site Details**

The site, The Cottage (formerly known as Windmill Cottage), Windmill Road, Paignton, is a single storey residential property set within a parcel of land between Dolphin Court Road and Longmead Road. Although not Listed the cottage would have once been associated with the adjacent Listed windmill which itself has recently been granted permission to convert to a residential dwelling (P/2015/0052 & P/2015/0053).

Vehicular access to the site is from Windmill Lane. There are no designations in the Torbay Local Plan 1195-2011 relating to the site.

### **Detailed Proposals**

The application seeks permission for the demolition of the cottage and its replacement with two residential properties of one storey and a half with dormers in the roof and attached garages. Each dwelling would have three bedrooms. There would be a garage and parking space to serve both properties. Access would be from Windmill Lane. Materials would comprise rendered walls with timber windows and natural slate roofs.

### **Summary Of Consultation Responses**

*Highways:* Comments awaited

*Strategic Transport:* Comments awaited

*Green Infrastructure Coordinator:* Comments awaited

*Senior Heritage and Design Officer:* The siting of the proposed dwellings does not have a significant impact on the Windmill

*Arboricultural Officer:* Comments awaited

*Historic England::* No comment

*Drainage Engineer:* The applicant has indicated that surface water from the development will be drained via soakaways however there are no details of where these soakaways are to be located.

In addition there are no details of any infiltration testing to confirm whether or not the ground is suitable for soakaways. Before planning permission is approved for this development, the applicant must submit detailed designs for these soakaways in accordance with the details identified below.

The developer must carry out trial holes and infiltration tests in accordance with BRE 365 at the locations and invert levels of the proposed soakaways. The design for these soakaways must be submitted showing that the proposed soakaways have been designed to cater for the critical 1 in 100 year storm event plus an allowance for climate change.

The applicant must demonstrate that his surface water drainage design will not result in any increased risk of flooding to properties or land adjacent to his development.

Based on the above comments, before this planning permission can be granted the applicant must supply details to address all the points identified above.

### **Summary Of Representations**

At the time of writing this report six letters of representation have been received in relation to this application, the key issues raised are:

- The demolition of Windmill Cottage and resultant loss of a Heritage Asset
- Out of character
- Overdevelopment
- Loss of privacy
- Impact on ecology and trees
- Increase in noise and disturbance
- Unacceptable in principle
- Increase in traffic
- Loss of light

These representations have been sent electronically to Members for consideration.

### **Relevant Planning History**

P/2013/0530 Demolition of Windmill Cottage and formation of Two x Three bedroom dwellings with garages; the application was deferred for further negotiations in relation to the size and design of the proposed dwellings by Development Management Committee 12.08.2013. It was subsequently

withdrawn.

ZP/2012/0061      Demolition of Windmill Cottage and addition of 2 dwellings in grounds - Officer support was given to the principle of the development 09.04.2013

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

The key issues to consider in relation to this application are;

1. the impact it would have on the character and appearance of the streetscene
2. the amenity and privacy enjoyed by the occupiers of neighbouring properties.
3. the impact the proposal would have on the setting of the adjacent Grade II Listed windmill.
4. Drainage

#### **1. Character and appearance**

The proposed dwellings will not appear incongruous in the streetscene due to their location on a parcel of land between the properties on Longmead Road and Dolphin Court Road. The proposed residential development of this site would be consistent with the established form and scale of development in the surrounding area. As a result of their siting the proposed dwellings would not be highly visible from the wider area.

There are a number of different house styles in the area and as such the addition and the layout of two 1.5 storey properties would not be contrary to the urban grain. The subdivision of the plot to form two dwellings would be consistent with the existing density of development in the area. It is considered that the properties, due to their size, siting and design would be acceptable additions to the area and would accord with policies BES, BE1, HS & H9 of the saved adopted Torbay Local Plan 1995-2011.

The proposed buildings are of a modern design which is consistent with the character and appearance of the streetscene in the area. The dwellings are deemed to be acceptable in design terms and comply with the objectives of policies BES & BE1 of the saved adopted Torbay Local Plan 1995-2011.

The two new properties have sufficient amenity space and parking without resulting in an overdevelopment of the plot.

#### **2. Impact on adjacent Listed Windmill**

The Listed windmill has recently gained consent to be converted into a single dwelling which involved use of current openings as windows, the addition of a new roof structure and a single storey extension.

The existing cottage is not a Listed Building and therefore does not benefit from the same protection when it comes to demolition. But Section 66 of the Listed Buildings Act requires LPAs to pay "special regard" to the desirability of preserving, inter alia, the setting of a listed building.

When assessing the impact (if any) of the proposed development on the setting of the Listed Building there are two principal factors to be taken into account -

1. the architectural quality or interest of the Listed Building itself (i.e. the setting of a Grade I building is likely to be more sensitive than that of a Grade II building)
2. the nature and appearance of the existing surroundings of the listed building immediately prior to the proposed development being carried out (impact is likely to be diminished if the surroundings already contain many unsympathetic features)

The NPPF accords with S.66 in that

- Paragraph 129 makes it clear that, in determining applications, it is relevant to consider the significance of any heritage assets affected, including any contribution made by their setting. It is necessary to consider whether the relevant heritage asset is of any great significance in itself, and whether its setting makes any great contribution to the character and appearance of the listed building.

- Paragraph 132 advises that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be."

The Listed Building itself, i.e. the windmill, is surrounded by housing developments and as Windmill Cottage is not listed, it has been added to in an unsympathetic way in the past and has not been maintained to the same standard expected if it was protected.

To this end it is not considered that the proposal to demolish the existing cottage would have a significant impact on the setting of the Listed Building as it has not been deemed important enough to be Listed itself and now has a distinct separate boundary and curtilage away from the windmill.

The scheme to replace the demolished cottage with 2 dwellings is considered to preserve the setting of the windmill and would comply with policy BE6 of the saved adopted Torbay Local Plan 1995-2011 which relates to how a development relates to a Listed building. This is because of the clear separation between the windmill and the proposed dwellings, and the height of the proposed dwellings would be demonstrably lower than the windmill. The visual prominence of the windmill would be retained in the street scene, and would not be harmed by the proposed dwellings.

### **3. Impact on neighbouring living conditions**

Although the proposed dwellings are likely to result in some over-looking of garden areas, which does not exist at present, particularly of the adjacent properties on Longmead Road, it is considered that this relationship is not uncommon in the area, particularly given the recent approval for a residential use of the adjacent windmill structure and is deemed to be an acceptable one. Given the proximity of the proposed dwellings to 73 Longmead Road, there is concern about overlooking from first floor windows of plot 1. This could be overcome by the dormer windows on the rear of property being fitted with obscure glazing to ensure no significant overlooking into the rear garden of this property. It is therefore considered that a revised plan showing the bedroom windows as obscure glazed should be submitted prior to the determination of the application.

Due to the orientation of the proposed dwellings and their relationship with neighbouring properties, it is not considered that there will be any significant loss of light. Similarly the size and siting of the proposed dwellings would not be of an overbearing nature.

Subject to the above revision the scheme, on balance, is considered to comply with policies HS & H9 of the saved adopted Torbay Local Plan 1995-2011.

Access to the site is via Windmill Lane, which provides access to the cottage at present. Each dwelling includes a garage with a parking space in front which is considered to provide sufficient parking of the form of development. The driveway and garages are located so as to minimise noise and disturbance to neighbouring occupiers. The proposal is therefore considered to comply with policies T25 & T26 of the saved adopted Torbay Local Plan 1995-2011.

### **4. Drainage**

The majority of Torbay has been designated as a critical drainage area by the Environment Agency. In order not to increase the risk of flooding in Torbay all new development has to play its part in reducing rainfall runoff rates. Surface water discharges from new development should 'mimic' Greenfield performance. In order to meet this standard the Council's Drainage Engineer has advised that details of the location of the proposed soakaways should be submitted and infiltration testing should be carried out before planning permission is granted to ensure that soakaways proposed by the applicant could be used in this location. This information is required before planning permission is granted to ensure the development would not contribute to a risk of flooding downstream.

### **S106/CIL**

Since April 2015 S106 contributions towards infrastructure can no longer be pooled. Consultation responses are awaited from highways and the green infrastructure coordinator to confirm whether contributions towards sustainable

transport and greenspace are required to offset the impact of one additional dwelling on the site. A contribution towards waste management will be required.

### **Conclusions**

The proposed development is considered to be appropriate for planning approval subject to the amendment of the glazing to the first floor rear dormers to plot 1, submission of drainage details and payment of the S106 contribution, having regard to all national and local planning policies and all other relevant material considerations.

The demolition of the existing cottage is acceptable, given the damage caused to it by additions and changes over time and given that it is not a protected heritage asset. Its replacement with the revised scheme for 2 dwellings will not harm the setting of the adjacent Windmill.

This is subject to the following conditions:

- Sections and elevations to a scale of not less than 1:20, indicating the following details, have been submitted to and approved by the Local Planning Authority:

- (i) eaves overhang;
- (ii) rain water goods;
- (iii) reveals to window/door openings;
- (iv) sub cills;
- (v) slating/tiling;
- (vi) soffits;

- Details of boundary treatment and implementation of approved boundary treatment
- Submission of detailed plan including the datum level in relation to an agreed fixed point or O.S. datum off site.
- Removal of permitted development Part 1 Classes A-E.
- Retention of parking provision on site
- Landscaping scheme to include details of new hedge planting
- Landscaping implementation

### **Relevant Policies**

- BES Built environment strategy
- BE1 Design of new development
- BE6 Development affecting listed buildings
- HS Housing Strategy
- H9 Layout, and design and community aspects
- T25 Car parking in new development
- T26 Access from development onto the highway
- CF6 Community infrastructure contributions