

Application Number

P/2011/1269

Site AddressLand Adjacent To 81 Lancaster Drive
Paignton
Devon
TQ4 7RP**Case Officer**

Mr John Burton

Ward

Goodrington With Roselands

Description

Formation of 2 detached dwelling houses with vehicular and pedestrian access

Executive Summary/Key Outcomes

The site does contribute to the open and green feel along Lancaster Drive, and it does link in to the wooded land behind. Nevertheless, the proposal is considered to be justifiable infilling of an urban space, without detriment to the street scene, wildlife or any other interest of acknowledged importance. The development proposed is quite spacious and well designed taking on board existing themes in the area. The properties are shown on the site in a position which respects the protected trees in the vicinity. There are no policy objections and the provision of housing makes good use of the site.

Recommendation

Subject to a planning Obligation under s106 of the Town and Country Planning Act, Conditional approval.

Site Details

Undeveloped parcel of land currently owned by the Council, in between 81 Lancaster Drive and the Childrens playground on the northern side of Lancaster Drive.

Detailed Proposals

Permission is sought for two detached properties in the north-eastern portion of this site. The plots are shown staggered, each with their own attached single driveway, but sharing an access driveway off Lancaster Drive. Downstairs accommodation comprises a lounge, kitchen/dining room and cloak room. Upstairs are three bedrooms, the biggest of which has an en-suite, and a separate bathroom. The site contains some trees which are the subject of a T.P.O. However, the two dwellings have been located to avoid the trees and their root protection areas.

The plans specify that the materials will include facing brick for the walls,

concrete interlocking tiles on the roof, with white PVCu double glazed windows and doors.

Summary Of Consultation Responses

Arboricultural Officer: States that the application follows the pre-application advice given and so is happy to recommend approval on arboricultural merit subject to standard tree protection conditions.

Highways Authority: Raise no objection, but do refer to the need for a footway crossover which will need to be constructed under licence to the highways department.

Strategic Transportation: Requested that the SPD should be applied to provide for a contribution towards the provision of new cycle and walking routes through the Clennon Valley to the rear of the site, which will link into this and other surrounding residential sites, as well as to Claylands and Goodrington, forming part of a more comprehensive wider cycle network. Provision of this cycle link will provide high quality, user friendly access to the main sea front national cycle route NCN28.

Summary Of Representations

Two letters of representation have been received. They raise objections as follows:-

- Will affect value of properties
- Will impact upon parking, especially on-street
- Impact upon roots of the neighbouring tree
- Will affect wildlife living in the woods behind
- Noise and disruption from a building site
- Impact upon privacy of existing dwellings
- Provides an access point to the wooded walks behind

The exact comments made have been reproduced at Page P.203.

Relevant Planning History

Some planning history for minor works at no. 81, but nothing specifically for this current application plot.

Key Issues/Material Considerations

Principle of development and Planning Policy -

Although this is a green space within the built environment, the proposal would continue a line of development that has been established for some decades now. The proposal is considered to be justifiable infilling. Although the site would not appear to have had a previous use and so cannot be classed as a 'brownfield site', it is preferable to develop infill plots in existing urban areas rather than

utilising more traditional 'greenfield' sites. As such, the proposal is considered to meet the tests of policies H2 and H10 of the Saved Adopted Torbay Local Plan. The application has addressed wildlife, arboricultural and design issues (see below) and so is not felt to be in conflict with policies H9 or H11 of the saved Adopted Torbay Local Plan. Therefore on the basic principles of development and policy, the proposal is considered to be acceptable.

Design -

The design and choice of materials is typical of many of the detached properties in the area. So the new houses would blend into the street scene and the wider environment. This makes the design in accordance with policies H9, BES and BE1 of the Saved Adopted Torbay Local Plan.

Car parking and access -

The two properties would be served by one double width driveway off Lancaster Drive, for which a dropped kerb would be required. Each house would have a single attached garage. This is entirely in accordance with policies T25 and T26 of the Saved Adopted Torbay Local Plan.

The Strategic Transportation group have asked for a sustainable transportation contribution under s106 of the Town and Country Planning Act towards the provision of new cycle and walking routes through the Clennon Valley to the rear of the site, which will link into this and other surrounding residential sites, as well as to Claylands and Goodrington, forming part of a more comprehensive wider cycle network. Provision of this cycle link will provide high quality, user friendly access to the main sea front national cycle route NCN28. These improvements will enable the LTP Policy to promote alternative travel options to be achieved for trips by occupiers within 5km, the nationally acknowledged distance for cycling trips. It is also in line with the Green Infrastructure Plan and national policy and guidance to promote more sustainable developments. The application will attract a requirement for a Planning Obligation (see below) and this would be a justifiable use for this element of contribution.

Arboricultural issues -

There are some trees on the site all of which are covered by a Tree Preservation Order (nos. 1970.02 and 2010.20). Concern has been expressed at pre-application stage about the need to preserve these trees because they are important specimens within the urban environment. Negotiations have lead to the current position and design for the houses, which is outside of the Root Protection Areas and away from areas likely to cause future pressure to fell. On this basis the Council's Arboricultural Officer recommends that the proposal would be acceptable on arboricultural merit, subject to suitable and standard tree protection measures. Therefore the proposal is deemed to be in accordance with policies L8 and L9 of the Saved Adopted Torbay Local Plan.

Wildlife issues -

It will be noted that the representations received refer to wildlife, and badgers in particular, as using the site. This could be sufficient to thwart development as badgers are a species protected in law. On this basis a 'Phase 1 Habitat Survey' has been requested. This has been produced by a competent and recognised ecologist and it concludes the following:-

- The site is too small to represent a significant loss in bat foraging habitat.
- There would be no impact on barn owls.
- No nesting bird activity was observed.
- No badger activity was observed on the site or within 50 metres of the site.
- Other protected species were unlikely to be present on site.
- No flora of botanical interest were found.

However, standard recommendations have been made regarding good practice in any event. These can be ensured through an appropriately worded condition.

Archaeology -

Concerns have been expressed by the Council's Senior Historic Environment Officer about the potential for underground evidence of former and historic use of the site. On this basis a competent professional has undertaken an initial site and desk top investigation. This includes on site trial pits. The results of this investigation conclude that there is nothing of any historical value underground. In fact it is now known that the original cause for potential concern is an old filled pond area, not a historic relic. The land was used as a store during the course of the original development of the road, and the original builders have left various materials behind as underground fill. The proposal does not therefore conflict in any way with policy BE9 (Archaeological Assessment of development proposals) of the Saved Adopted Torbay Local Plan.

Economy -

The proposal will provide jobs during the course of construction.

S106/CIL -

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, education, 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 which is calculated as 102 metres sq. for each dwelling. As such would work out as follows:-

Category 4 (95 – 119 Sq. M.)

Municipal waste and recycling	£ 50
Sustainable transportation	£2710
Education	£1240
Lifelong learning	£ 410
Green space and recreation	£2370

TOTAL **£6780 x 2 units = £13560**

Strategic Transportation have made a specific request for the use of the Sustainable Transportation element of the contribution and this is detailed above. The green space and recreation contribution should be used towards updating and improving the existing children's play area adjacent to the site.

Conclusions

The proposal is considered to be justifiable infilling along an existing urban road. Whilst the site is not an identified brownfield site, its use for residential development would provide development within the existing urban framework without detriment to the wider spacing and green areas behind. Concerns that have been expressed in relation to interests of acknowledged importance have been investigated and satisfied. There are concerns from local residents (2) as reproduced, but other than non-planning issues, all other concerns have been successfully addressed through the research and recommendations. Therefore, subject to appropriate conditions, the application is considered to be satisfactory.

Condition(s)/Reason(s)

01. Any work carried out to trees to be retained on site shall be with the written approval of the Local Planning Authority. Such work will be to British BS 3998: 1989 as a minimum standard.

(ii) The development hereby approved shall not commence, and no materials shall be brought onto site, until all the trees to be retained on site are protected by fencing as per BS 5837: 1991. This will either be chestnut pale fencing or a scaffold structure 2.4 metres high supported durable man-made sheeting (either plywood or OSB of an exterior grade). Chestnut pale fencing will be to BS 1722: Part 4: 1989, as a minimum standard. This will consist of 1.200 mm pales, wired together as per standard, supported on three line wires, secured to fencing posts to a minimum standard of: 1800 mm long, 7 mm (3") top, driven 500 mm into the ground. In addition, straining posts, 1800 mm long by 100 mm (4") top, strutted where a change of direction occurs, will be installed at all ends and corners, at changes of direction, or acute changes of level, and at intervals no exceeding 50 m in straight lengths of fence. The fence will be installed upright, with all posts firmly bedded in the ground and line wires tensioned, and shall be maintained in such a condition throughout the duration of the development.

(iii) The fence shall be installed no closer to the trunk of the retained tree than the edge of the drip line of the canopy or a distance equivalent to half the height of the tree, whichever is the greater.

(iv) The area beneath the tree and between the trunk of the tree and the fence will be kept clear and undisturbed at all times. No materials shall be stored within the fenced area; the levels of the land within the fenced area shall not be altered, and no seepage of oils, fuels or chemicals (including cement and cement washings) which may be harmful to trees shall be allowed onto the fenced area.

(v) No trenches for service runs, or any other excavations shall take place within the fenced area.

(vi) No soil or other surface material shall be removed from the fenced area except by written permission of the Local Authority. Where such a permission is granted, materials shall be removed manually, without powered equipment, taking adequate precautions to prevent damage to tree roots.

Reason: To ensure that all existing trees on the site are adequately protected while development is in progress, and to accord with policies H10, L10, BE1 and BE3 of the Saved Adopted Torbay Local Plan.

02. 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 existing building, and the area in general in accordance with policies BES and BE1 of the Saved Adopted Torbay Local Plan.

03. The development hereby approved shall not be commenced until details of all proposed boundary walls and fences have been submitted to and approved by the Local Planning Authority. The dwelling(s) shall not be occupied until these have been provided in accordance with the approved details.

Reason: To enable the Local Planning Authority to assess this element of the proposal, and ensure that the scheme is completed such that there will not be any adverse affect on any neighbouring property in accordance with policies L8, BES and BE1 of the Saved Adopted Torbay Local Plan.

04. Conditions as required by Lee Marshall (yet to be transcribed).

05. The development hereby approved shall not be used or occupied until all

of the garages 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 garages 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, and in order to protect the residential amenities of the neighbourhood

06. 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).

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 is in keeping with the area.

08. Conditions as required by the Ecological survey (yet to be transcribed)

Relevant Policies

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