

N.1

P/2008/1145/MPA

Cockington With Chelston Ward

Torquay Boys Grammar School, Land Off Raleigh Avenue And Hawkins Avenue, (R/O 55-79 Raleigh Avenue; R/O 15-26 Arden Drive And Close To Hawkins Avenue), Torquay

Formation of 25 houses, 1 bungalow and 21 flats with vehicular/pedestrian access (revised scheme) This Is A Departure From The Torbay Local Plan

Site Details

The application site relates to a land locked grassed area with a number of trees and shrubs on it and with hedges and trees around the site boundary. It is currently unused, although there are informal footpaths across it. This site is bounded by properties in Arden Drive to the east, Raleigh Avenue to the south and residential/retail properties to the west in Hawkins Avenue. To the north and west are the grounds of the Boys Grammar School. The site slopes significantly from south to north. There is a hard surfaced footpath running along the western boundary. The site is protected by a Tree Preservation Order.

The site has been allocated for housing within the Torbay Local Plan 1995-2011 for 30 dwellings. Para 3.68 in the Torbay Local Plan 1995-2011 states "it is important that trees in and around the site which make a major contribution to the setting and character of the area are protected,". Reference is also made to the need to maintain the existing informal footpath link and that developer contributions are made towards community facilities to serve the development.

Relevant Planning History

2007/1925/PA Formation of 28 houses, 1 bungalow and 21 flats with vehicular/pedestrian access refused 3.3.08 for the following reasons:

01. The proposed development would result in the unnecessary loss of mature trees without adequate justification and proposed replacement mitigation planting, which are the subject of a Tree Preservation Order and form an important landscape feature. The scheme would therefore be contrary to Policies BE2, LS, L6, L8, L9 and L10 of the Torbay Local Plan 1995-2011.
02. The proposal would represent over-development of the site by reason of the number of units, the design and layout, the massing of buildings, particularly the "Norton Flats" block and proximity to existing housing which would adversely affect the amenities and privacy of the adjoining properties and the character and appearance of the locality, contrary to Policies BES, BE1, BE2, H1, H9 and H10 of the Torbay Local Plan 1995-2011.
03. In the absence of a signed Section 106 Legal Agreement in relation to the provision of affordable housing, sustainable transport and public open space, the proposal fails to mitigate against its impact upon local infrastructure and to provide an appropriate level of Affordable Housing. As such the proposal is contrary to Policies H5, TS, T1, T2 and CF6 of the Torbay Local Plan 1995-2011.

Relevant Policies

Torbay Local Plan 1995-2011 -

- BES Built Environment Strategy
- BE1 Design of new development
- BE2 Landscaping and design
- HS Housing strategy
- H1 New housing on identified sites
- H5 Affordable housing on identified sites
- H9 Layout, design and community aspects
- H10 Housing densities

H11 Open space requirements for new housing
CF6 Community infrastructure contributions
W6 New development and the minimisation of waste
W7 Development and waste recycling facilities
LS Landscaping strategy
L8 Protection of hedgerows, woodlands and other natural landscape features
L9 Planting and retention of trees
L10 Major development and landscaping
EPS Environmental protection strategy
EP1 Energy efficient design
TS Land use transportation strategy
T1 Development accessibility
T2 Transport hierarchy
T3 Cycling
T25 Car parking in new development
T26 Access from development onto the highway
T27 Servicing
Environmental Guide.

*Torbay Local Development Framework 2005-2026 -
Urban Design Guide.*

Planning Contributions and Affordable Housing: Priorities and Delivery

PPS1 "Delivering sustainable development"

PPS3 "Housing"

PPS25 "Development and flood risk"

Proposals

The application is a resubmission of application reference 2007/1925/MPA. It is for the erection of 47 dwellings on the site, which would comprise 25 houses, 21 flats and 1 bungalow. In comparison with the previous proposal there has been a reduction of two houses. Fifteen of the proposed properties would be for affordable housing. These would be grouped at the southern end of the site.

As with the previous proposal in order to gain vehicular access to the site two terraced properties in Raleigh Avenue would be demolished. The access would be 5.5 metres wide with footpaths to either side. The existing footpath link from Arden Drive would be maintained and would link through the site to the local shops and the local schools.

The layout of buildings on the site would be broadly similar to the layout under application 2007/1925/MPA. There would be a central green area around a retained beech tree. A number of trees and hedges on the site boundary would be felled. The proposed buildings would be largely laid out as terraces. Due to the topography of the site those running from south to north would step down the slope of the site. There would be a mix of buildings heights, predominantly two storey, but there would be some three and four storey buildings and a bungalow.

Consultations

Senior Transport Officer: The development would require a sustainable transport contribution. This would be used to upgrade the footpath to pedestrian and cycle use between Raleigh Avenue and Shiphay Manor Drive, including lighting. There would need to be suitable cycle and pedestrian crossing facilities at each end. The remainder would be used to provide additional bus capacity. In addition there should be one secure cycle parking space per dwelling.

South West Water: No objections, "our infrastructure is capable of supporting the development subject to the surface water discharge being attenuated to a rate to be agreed with ourselves".

Environment Agency: Object to the application, insufficient detail has been submitted on how surface water will be dealt with.

Arboricultural Officer: Recommends the scheme should be refused.

"It is my view that the submitted application including the Layout, Design, Tree Report and Landscape scheme are far from acceptable for this scale and level of development. The fact that the tree constraints plan is inaccurate leading into the design stages for a poor layout which will have an immediate and long term affect on the landscape and protected trees". Reproduced on Page N.202.

Highways Officer: Parking provision should be at a level of 1.5 spaces per unit.

Leisure Community Development Manager: requests the appropriate green space commuted sum is obtained.

Affordable Housing Manager: The applicants have revised their original affordable housing offer which is now for 11 x 3 bed houses, 1 x 1 bed disabled bungalow and 3 x 2 bed flats. Housing services support the affordable housing contribution for the site. A higher proportion of three bed houses are being offered to balance what should have been provided, although the overall bed spaces being delivered equates to 30%. This mix of family houses is particularly desirable to Housing Services and will help meet the needs of local people in Torbay. Members should note that the 3 x 2 bed flats are to replace the removal of the 2 x 3 bed houses being demolished to create the site access.

Representations

A number of letters of objection and support have been received, and have been reproduced and placed in the Members' Room. The letters of objection raise the following issues:

- the congestion on Raleigh Avenue and Hawkins Avenue would be exacerbated;
- potential further development to the rear of Shiphay manor;
- loss of protected trees;
- devaluation of surrounding residential properties;
- loss of wildlife;
- loss of open space;
- overdevelopment of the site;
- loss of light;
- loss of privacy;
- proximity to existing residential properties;
- increased noise and pollution;
- increased vehicle movements;
- lack of parking;
- loss of playing area for children;
- design out of keeping with surrounding properties;
- pressure on drainage and sewerage systems;
- loss of amenities.

Letters in support, most of which are in the form of a 'standard' letter, refer to the provision of much needed affordable housing; develops "a scruffy patch of private land"; encourages employment, and will raise funds to enable TBGS to restore and preserve Shiphay manor for community and school use.

Key Issues/Material Considerations

In comparison with the previous proposal under application reference 2007/1925/MPA the following changes have been made:

- A reduction in the number of dwellings proposed on the site by 2 houses;
- Revision to the layout of buildings adjacent to Arden Drive;
- A break in the massing of the Norton flats on the northern part of the site;
- A reduction in the height and revisions to the design of the Norton flats on the northern part of

- the site;
- Introduction of a landscaping buffer along the boundary with Arden Drive.

There are a number of criteria that can be used to assess the proposed development. These are as follows:

Character and Design

A comprehensive Design and Access statement has been submitted, which assesses the character of the site and surrounding area. There are however inconsistencies between the conclusion of the analysis and the proposed scheme. An example is concluding that brickwork in the area is usually red or brown yet the proposed scheme proposes the use of a buff coloured brick.

The layout of the proposed buildings would create active edges with good levels of surveillance over public places. The retention of the mature beech tree on the site would create a focal point in the development. The design of the majority of the proposed dwellings would be relatively bland, and would have limited architectural character that would be unique to this site. However in comparison with the previous submission, the applicant has improved the elevations of the Norton flats at the southern end of the site to add interest and character. There is concern that at the entrance of the site a detached two storey dwelling is proposed that is inconsistent with the terraced form of buildings on the remainder of the site. It would result in a disjointed element of development with little relationship to the character and form of development on the remainder of the site.

In the Design and Access statement it is recognised that a comprehensive landscape strategy is important to 'green' the environment and soften any impact with the adjacent development.

Continuity and Enclosure

The scheme has been designed so that the majority of fronts of buildings face other fronts. Building lines are continuous in nature but are broken up through varying heights and wrapping the building line around corners. The floor plans indicate front doors and living room windows facing the public spaces, highway and footpaths.

Ease of Movement

The access into the site has been retained at 5.5 metres to identify clearly the highway area, together with the use of different materials to show parking zones and pedestrian zones. The road would end in a turning head, and there would be no through movement of vehicular traffic. The access road is a dominant feature of the site and has not been well integrated into the site design as there is a clear separation of pedestrian and vehicular movement with pavements on both side of the road. In a small residential development, with relatively low volumes of traffic movement there could be more opportunity to reduce the dominance of the road and make streets more pedestrian and cycle friendly. This would be achieved in the south west corner of the site and north east corner of the site.

The existing footpath links across the site are maintained with one link on the east side of the site and two on the west side. There would be good levels of surveillance over these footpaths.

Legibility

The retention of the mature beech tree, with surrounding space in the centre of the site would provide a central feature, and a clear identity for the locality. The entrance to the site would present an opportunity for a distinctive feature or artwork to reinforce the identity of the site.

Quality of the Public Realm

The use of materials within the public realm would be critical to creating a sense of place in this small development. The most significant opportunity would relate to the green space around the beech tree. As this is a public space, it is important that future provisions for its maintenance are secured. It would be appropriate to request a contribution towards monitoring the impact of the development on the existing trees through the S106 agreement.

Adaptability and Diversity

The proposed development would be relatively high density. There would be limited opportunities for future adaptability for the flats on the site, however as all the dwelling houses would have some private garden space there would be future opportunities for alterations to be carried out to the properties.

Highways

A Transport Assessment has been carried out. The Assessment concluded that the site is very accessible on foot to local facilities, on the bus network to health, employment and educational establishments. There is also good access to rail and coach services. It has been concluded that greater use would be made of the footpath linking Hawkins Avenue to Shiphay Lane and that a new system of lighting should be considered to facilitate this use at all times.

The highway engineers have not raised any objection in principle to the proposal, although parking provision is recommended at a ratio of 1.5 spaces per dwelling. A total of 60 parking spaces are proposed to serve 48 dwellings which results in a level of 1.28 spaces per dwelling. It is suggested that the footpath link to Arden Drive should be adopted. A contribution towards the provision of sustainable transport under a S106 agreement is requested.

Trees

There are a significant number of mature trees and hedges on the application site, which make an important contribution to the appearance and character of the area. These are an important consideration when developing on the site. Under TPO reference 2000.24 there are five trees on the site that are identified as individual specimens and groups of trees along the north and south boundaries.

In support of the application an Arboricultural Report and Method Statement have been submitted. In addition a planting scheme has been received. The proposed development would result in the felling of four of the five TPO trees and the removal of the group of trees along the southern boundary of the site.

The Arboricultural Officer's consultation response is reproduced at Page N.202. He has concluded that insufficient detail has been submitted in support of the proposal, that the report does not comply with the relevant BS standards and that the report is flawed. It is his view that the proposed layout is not appropriate for such an important wooded landscaped area.

Ecology

An ecological survey has been carried out. It has indicated that no signs of badger setts or foraging were found during the survey. However, areas of dense scrub should be cleared carefully and if sett entrances are found, work should stop.

The ivy clad trees are identified as possible summer roosting locations and that if any such trees are to be felled in spring, summer or autumn, it is recommended that they are soft-felled against another tree or carefully onto their crowns so that the trunks are clear of the ground. They should be left for 24 hours to allow bats to escape.

The sycamore tree in the centre of the site features potentially suitable for hibernating and summer roosting bats. As it would not be retained, it should be surveyed again.

There are large areas of scrub that provide suitable nesting habitat for birds. Scrub clearance should be carried out between mid-August and March, outside the nesting season. If this is not possible, clearance works should be supervised by an experienced ecologist.

The tussocky grassland and scrub edges are typical of suitable reptile habitat and therefore a reptile survey will be required. This should be carried out between April and September.

The further work and surveys that would be required could be addressed by means of a condition.

Flooding

A Flood Risk Assessment has been carried out and submitted. The Environment Agency has objected to the application on the basis that insufficient information has been submitted in respect of the disposal of surface water on the site.

Developer Contributions

The proposal was originally submitted for the provision of 12 dwellings for affordable housing. Following negotiations an additional three flats have been offered, resulting in a total of 15 dwellings. Taking into account the loss of two existing dwellings this would be short of the target in Policy H6 of 30% affordable housing by one dwelling. However as the predominant form of affordable housing would be three bedroom houses, the Affordable Housing Manager would be satisfied with this level of provision.

The following contributions would be applicable in accordance with Council's SPD on Planning Contributions:

Affordable Housing Units x 15	
Sustainable Transport	£63,760
Public Open Space	£48,934
Lifelong Learning	£11013.60
Street Wardens	£4673.80
Monitoring of the impact of development on trees	£9,400

Conclusions

The principle of new housing development is identified in the Torbay Local Plan 1995-2011 under Policy H1.7. There are however concerns about whether the proposed development would be acceptable on this site. The principle constraint relates to the existing landscape features on the site. Further information is required to justify the level of removal of these features that has been proposed, and to clarify that the existing features that would be retained would not be harmed by the proposal. This is a fundamental issue that needs to be addressed before further consideration can be given to whether a development of this scale would be acceptable on this site.

A meeting has been held with the applicants to identify issues and try to agree a way forward. The site is identified as a 'residential site' in the Local Plan (approximately 30 dwellings) with an identified constraint in respect of existing trees which are prominent in the landscape. There is a requirement to try and develop at the maximum density possible but still achieve a 'sense of place' and respect existing constraints, i.e. trees and neighbours. Alternative approaches are to be investigated, including the possibility of removing existing trees along the north boundary and their replacement with a new, and more appropriate, belt of new trees closer to the school buildings. The issue of the proximity of dwellings to properties in Arden Drive and screening between properties is to be looked at and further sections have been requested to be able to understand this. The excessive size of the access road is also to be addressed. The agents will provide further information before the Committee with regards to the issues discussed, to assess whether a deferral will be beneficial in achieving an acceptable scheme. The scheme as it currently stands is recommended for refusal.

Recommendation:

Refusal

Condition(s):

01. The proposed development would result in the unnecessary loss of mature trees without adequate justification and proposed replacement mitigation planting, which are the subject of a

Tree Preservation Order and form an important landscape feature. The scheme would therefore be contrary to Policies BE2, LS, L6, L8, L9 and L10 of the Torbay Local Plan 1995-2011.

02. The proposed development by reason of its proximity to existing properties in Arden Drive would result in an overbearing relationship of buildings, with subsequent loss of residential amenity, contrary to Policies H9 and H10 of the saved Torbay Local Plan 1995-2011.
03. In the absence of a signed Section 106 Legal Agreement in relation to the provision of affordable housing, sustainable transport, public open space, lifelong learning, street wardens and monitoring of the impact of development on existing trees the proposal fails to mitigate against its impact upon local infrastructure and to provide an appropriate level of Affordable Housing. As such the proposal is contrary to Policies H5, TS, T1, T2 and CF6 of the saved Torbay Local Plan 1995-2011.