

Planning Matters:

Reports on Intended Decisions to be taken by the Assistant Director of Planning and Transport

Published: Tuesday, 24 March 2020

A prosperous and healthy Torbay

1. COVID-19

In light of the Government's instruction on social distancing, all of the Council's public decision making meetings have been cancelled during this time. This includes the Planning Committee.

Alternative decision making arrangements have been put in place for any decisions which need to be made during the COVID-19 outbreak. For the Planning Committee, decisions will be taken by officers.

All such decisions will be made after consulting the appropriate councillors and decisions and any associated reports will be published on our website. These arrangements will be kept under review on a regular basis.

The Assistant Director of Planning and Transport, by way of the publication of this document, hereby gives notice that he intends to consider the reports contained herein. Records of the decisions made by the Assistant Director of Planning and Transport will be published on our website after the anticipated decision date.

2. St Edmunds House, Victoria Park Road, Torquay (P2020/0146)

(Pages 3 - 14)

To consider an application for a single storey 1-bedroom, dwelling house in the south western part of the grounds of St Edmunds House.

Decision to be taken on 30 March 2020.

3. Public Representation

If you wish to make representations on any of the applications shown listed this report pack, please email your representation to planning@torbay.gov.uk before midnight on 27 March 2020.



Application Site Address	St Edmunds House Victoria Park Road Torquay
Proposal	Single storey, 1 bed dwelling. (Temporary affordable housing.)
Application Number	P/2020/0146
Applicant	Torbay Council
Agent	Agile Property and Homes
Date Application Valid	12.02.2020
Decision Due date	08.04.2020
Extension of Time Date	Not applicable.
Recommendation	Conditional approval subject to the conditions detailed below. Final drafting of conditions to be delegated to the Assistant Director of Planning and Transport.
Reason for Referral to Planning Committee	The proposal is on land registered as a Torbay Council asset.
Planning Case Officer	Craig Davies



Site Details

The application site comprises the southwestern part of the grounds of St Edmunds House, which is a Council-owned building on Victoria Park Road. St Edmunds House, which is currently in use as a Community Care Support Centre providing various care facilities and services, comprises a triple-storey, flat-roofed building with landscaped garden areas and on-site car parking.

The site forms part of the built-up area, but is not otherwise subject to any designations in terms of the Development Plan. The site is located outside of, but in proximity to, the Plainmoor Local Centre along St Marychurch Road as well as a Community Investment Area.

Description of Development

The proposal is for the addition of a single-storey, 1-bedroom, dwelling house in the southwestern part of the grounds of St Edmunds House which the applicant states would provide temporary affordable housing for vulnerable people. The applicant has stated that the proposed dwelling house would be retained for a temporary period of up to 3 years, would be managed by Torbay Council with occupants being provided with additional support, and would provide temporary accommodation for periods of between 2-12 weeks. The proposed dwelling house, which would have a lean-to roof, a partially-enclosed patio on the southeastern side accessed by glazed bi-folding doors, and an accessibility ramp, would be finished with larch cladding for the walls, a composite of aluminium and timber for the windows and doors, and timber balustrading for the accessibility ramp and patio.

It should be noted that after the advertising period and in response to comments provided by this Department, the applicant revised the proposal by making provisions for cycle storage and bin storage, reconfiguring the internal layout by moving the bathroom to the northeastern side of the proposed dwelling house and moving the bedroom to the southwestern side, indicating that the proposed bathroom window would be obscure-glazed, and omitting the external steps from the patio area and including additional timber balustrading. Given that that revised proposal would have a lesser impact on external parties than that which was previously advertised, it was not deemed necessary to re-advertise the application.

Pre-Application Enquiry

N/A

Relevant Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Torbay Local Plan 2012-2030 ("The Local Plan")
- The Torquay Neighbourhood Plan 2012-2030 ("The Neighbourhood Plan")

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report:

Relevant Planning History

There have not been any previous planning decisions of particular relevance to the current proposal.

Summary of Representations

1 letter of objection was received in which the following matters were raised:

- Impact on privacy.
- Impact on traffic and congestion.

Summary of Consultation Responses

Torbay Council's Principal Natural Environment Officer:

The Council's Principal Natural Environment Officer raised no objections to the proposal. The consultee response stated that the trees/shrubs in the vicinity have little or no value worthy of retention, that they are not impact upon by the proposed development, and that the overgrown shrub between the proposed dwelling house and the existing building should be removed due to its condition.

Torbay Council's Drainage Engineer:

Standing Advice states that surface water drainage should be provided by means of soakaways within the site, but that, if it can be demonstrated that the ground conditions are not suitable for soakaways or will result in an increased risk of flooding to the surrounding area, then an alternative means of surface water drainage shall be submitted to the Local Planning Authority for approval. The Standing Advice states that any surface water discharge rate from the site to the combined sewer must be limited to greenfield run off rate for the 1 in 10 year storm event with attenuation designed so as to ensure that there is no risk of flooding to properties or increased risk of flooding to adjacent land for the critical 1 in 100 year storm event plus a 40% allowance for climate change.

It should be noted that the Drainage Report submitted by the applicant has been developed with input from Torbay Council's Drainage Engineer.

Torbay Council's Highways Engineer:

Standing Advice states that parking provisions should be in accordance with the requirements of the Local Plan. The Standing Advice also details requirements for site access, and for bin storage and cycle storage.

Torquay Neighbourhood Plan Forum:

No response received.

Key Issues/Material Considerations

1. Principle of Development
2. Impact on the Character of the Area
3. Impact on Residential Amenity
4. Impact on Highway Safety
5. Ecology
6. Arboriculture
7. Flood Risk and Drainage

Planning Officer Assessment**1. Principle of Development**

The proposal is for the addition of a single-storey, 1-bedroom, dwelling house providing temporary affordable housing.

Policy H1 of the Local Plan states that proposals for new homes within Strategic Delivery Areas and elsewhere within the built-up area will be supported subject to consistency with other policies in the Local Plan. It is noted that the Council is currently falling short of its 5-year housing land supply and that the proposal would make a contribution to this shortfall being addressed. The proposal would therefore comply with Policy H1 of the Local Plan.

In light of the broad aspirations of Policy H1 of the Local Plan, the principle of residential use on the site is considered acceptable, subject to broader policy considerations. It is noted that the site is well located for housing, in a sustainable location with good access to shops and other services, transport links and recreational areas, within an area currently of residential character. This context supports the principle of a residential use being acceptable.

In addition, Policy H6 of the Local Plan seeks to support the provision of housing for people in need of care. While the proposed dwelling house would not constitute sheltered housing or a residential institution (such as a care home) per se, it is noted that the proposed dwelling house would provide temporary accommodation to vulnerable people, and that the proximity to St Edmunds House and the fact that the proposed dwelling house would be managed by Torbay Council would mean that

occupants would be able to be provided with additional support where necessary. The proposal is therefore considered to be consistent with Policy H6 of the Local Plan.

2. Impact on the Character of the Area

Paragraph 124 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 130 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy TH8 of the Torquay Neighbourhood Plan states that development proposals must be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

Given its siting, scale, and design, it is considered that the proposal would not result in unacceptable harm to the character or visual amenities of the locality. The proposed dwelling house would be a small-scale addition that would be relatively low in height, would be partially screened by existing trees and hedgerows, and would be finished with high quality finishing materials including larch cladding. While the proposed dwelling house would employ a modern and contemporary design that would to some extent differ in appearance from many of the buildings in the surrounding area, it is noted that the area has some diversity in terms of built form, and also that the southwestern part of St Edmunds house includes white timber-effect cladding at first floor level as well as a low timber boundary fence. The proposed single-storey dwelling house would be much smaller in scale than the triple-storey St Edmunds House building which would form the backdrop of the proposed building, and would sit comfortably within the landscaped garden area of St Edmunds behind an existing hedgerow and adjacent to a number of trees. While a small number of trees/shrubs may need to be removed as a result of the proposal, it is considered that the retention of the existing hedgerow and other trees/shrubs in the vicinity would ensure that the proposed dwelling house remains adequately screened.

In addition, the proposed dwelling house would not utilise traditional foundations but would be sited on shallow, gravel-filled footings, meaning that the site could be restored close to its current condition following the removal of the dwelling house in the future. A condition is proposed that would ensure that the land is reinstated to an appropriate condition following the removal of the temporary building.

The proposal is considered to be in accordance with Policy DE1 of the Local Plan, Policy TH8 of the Torquay Neighbourhood Plan, and the guidance contained in the NPPF.

3. Impact on Residential Amenity

Internal Living Space

Policy DE3 of the Local Plan requires that new residential units provide adequate internal floor space in order to achieve a pleasant and healthy environment. The Neighbourhood Plan is largely silent on the matter of amenity. The NPPF guides (Paragraph 127) that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy DE3 sets out guidelines for minimum floor space standards for new dwellings and apartments. The proposed dwelling would provide 37m² of internal floor space which would accord with the space standards set out in Policy DE3 for a single-storey, 1-bedroom, 1-person dwelling house with a shower room. While it is noted that the plans indicate a moderately sized bedroom with a double bed rather than a single bed and that the proposed internal floor space is less than the guideline of 50m² for a 1-bedroom, 2-person dwelling house, consideration should be given to the fact that the proposed dwelling house would provide a temporary housing solution with occupants residing in the dwelling house for 2-12 weeks, rather than a permanent and long-term dwelling house, and for this purpose, the proposed internal living space is considered to be sufficient to provide a pleasant and healthy living environment for short time periods.

Therefore, the proposed residential accommodation is considered to be generally in accordance with Policy DE3 of the Local Plan.

External Amenity Space

Policy THW4 of the Neighbourhood Plan states that all new houses shall have not less than 20m² of outside space and must have garden areas with not less than 10m² of space suitable for growing plants or the equivalent allocated communal growing space within an easy walk. Contrastingly, Policy THW4 of the Torquay Neighbourhood Plan states that flats or apartments must have either a balcony of not less than 10m² and as appropriate to the size of the home or a communal green area of not less than 10m² per unit within the curtilage of the property.

The proposed dwelling house would include ±17m² of external timber decking areas (excluding the accessibility ramps leading to the main entrance), and would also be directly adjacent to the landscaped garden area on the southern side of St Edmunds House which, despite not being for the exclusive use of the occupants of the proposed dwelling house, would nevertheless provide some additional outdoor amenity space and greenery.

The proposal is therefore considered to be generally in accordance with Policy THW4 of the Neighbourhood Plan.

Access to Outlook, Daylight and Privacy

Each of the habitable rooms proposed within the proposed dwelling house would be served by sufficient window openings to allow for sufficient outlook and access to natural light. While the northeastern elevation of the proposed dwelling house would be in some proximity to habitable rooms in St Edmunds House, the bathroom window would be obscure glazed, while the kitchen window and living room window (which would benefit from some partial screening from existing trees/shrubs in the adjacent garden area) could be fitted with blinds in the event that future occupants found this to be necessary. The retention of the existing hedgerow along Victoria Park Road and the proposed timber balustrading would provide some screening for the windows on the southwestern and southeastern elevations of the proposed dwelling house. Given the intended temporary timescale and short-term occupancy, it is considered that the proposed dwelling house would provide occupants with an acceptable level of privacy.

Impact on Neighbouring Amenity

Given the proposal's siting, design, and orientation in relation to adjacent neighbours, it is considered that the proposal would not have a detrimental impact on the amenity of neighbours in terms of their outlook, privacy, or access to natural light.

The proposal is considered to be generally in accordance with Policy DE3 of the Local Plan.

4. Impact on Highway Safety

Policy DE3 of the Local Plan states that new development proposals should include adequate space for the on-site parking of motor vehicles as well as space for cycle storage and bin storage. Policy TA2 of the Local Plan states that all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 and Appendix F of the Local Plan states that dwelling houses should be provided with space for the on-site parking of 2 vehicles as well as space for cycle storage and bin storage. Policy TH9 of the Torquay Neighbourhood Plan states that all housing developments must meet the guideline parking requirements contained in the Local Plan unless it can be shown that there is not likely to be an increase in on-street parking arising from the development or, the development is within the town centre and an easy walk of a public car park which will be available to residents for the foreseeable future.

The proposal includes an enclosed timber structure for the storage of bins and recycling boxes, as well as a vertically-hung bicycle rack in the rear patio area that would provide covered cycle storage of at least 1 bicycle.

While the proposal does not include the provision of any on-site parking, it is important to note that, given that the proposed dwelling house would be managed by Torbay Council and would be used as short-term (2-12 weeks) accommodation for vulnerable people, the intended occupants of the proposed dwelling house would be very unlikely

to own motor vehicles. The nature and intended use of the proposed dwelling house would therefore differ from that of a permanent and long-term dwelling house for which the parking guidelines within the Local Plan and the Highways Standing Advice would need to be adhered to. Furthermore, it is reiterated that the site is well-located with respect to local amenities and public transport and that the proposal includes covered cycle storage. Therefore, although the proposal would diverge from the guidelines set out in Policy TA3 and Appendix F of the Local Plan and the Highways Standing Advice, it is considered that the specific circumstances of the proposal are such that the proposal would not result in any significant impact on highways safety and amenity, and that the lack of on-site parking provision would not warrant refusal of the application in this case. It should be noted that a temporary, 3-year condition would be imposed and that, should any negative highways impacts arise during this 3-year period, this would form an important consideration in the assessment of any future application to vary or extend the permission.

5. Ecology

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale. Policy TE5 of the Neighbourhood Plan states that, where a proposed development may impact upon any existing protected species or habitats, the application should be accompanied by an assessment of the impact and should, as necessary, provide mitigating arrangements in order to protect and enhance those species and habitats. Guidance within the NPPF provides similar guidance to the above in that planning decisions should contribute to and enhance the natural and local environment and includes guidance towards minimising impacts on and providing net gains for biodiversity (Paragraph 170).

The site comprises the garden area of a building within the built-up area. The application is accompanied by an ecological report based on a site survey conducted on 6th February 2020. The report states that, owing to the limited extent of the development footprint, the presence of protected and notable species is considered unlikely. The report made recommendations relating to, inter alia, the timing of the trimming of the hedgerow to avoid bird breeding season, precautionary measures during the carrying out of construction works, the clearing of three cornered garlic (a non-native invasive species) from the site, and mitigatory/compensatory planting of wildlife friendly plants and shrubs. Subject to a condition that would secure the recommendations contained within the ecological report, the proposal is considered to be in accordance with Policy NC1 of the Local Plan, Policy TE5 of the Neighbourhood Plan, and the guidance contained within the NPPF.

6. Arboriculture

Policy C4 of the Local Plan states that development will not be permitted where it would seriously harm (amongst other things) protected trees, hedgerows, or other significant natural landscape features, and that where the loss of said natural features

is considered acceptable as part of development, replacement and other mitigation measures will be required.

The Council's Principal Natural Environment Officer has assessed the proposal from an arboricultural perspective and has raised no objections, stating that the proposed development would not impact upon the trees/shrubs in the vicinity, that the trees/shrubs have little or no value worthy of retention, and that the overgrown shrub between the proposed dwelling house and the existing building should be removed due to its condition. Given that the proposal would not impact on any protected species or habitats, and would not impact upon any protected trees, hedgerows, or other significant natural landscape features, the proposal is considered to be acceptable in terms of its ecological and arboricultural impact.

The proposal is considered to be in accordance with Policy C4 of the Local Plan.

7. Drainage and Flood Risk

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and should that ensure the risk of flooding is not increased elsewhere.

The site is located within the Critical Drainage Area in an area that has been identified by the Environment Agency as being at risk from surface water flooding. The application is accompanied by a drainage report which has been developed with input from the Council's Drainage Engineer. The drainage report explains that the site does not present adequate space for surface water drainage to be achieved via soakaways on site, and that surface water would be discharged via an attenuation system at a controlled rate of 1.5 litres per second into the combined sewer. It

Given the nature of the proposal, the intended means of surface water drainage would appear to be acceptable having regard to the adopted Standing Advice and, pending a written consultation response from the Council's Drainage Engineer and subject to an appropriate drainage condition, the proposal is considered to be in accordance with Policy ER1 of the Local Plan.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been

balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Local Finance Considerations

S106: Not applicable.

CIL: The CIL liability for this development is Nil.

EIA/HRA

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

HRA: Not applicable.

Planning Balance

The proposal would provide a temporary affordable housing solution that would be managed by Torbay Council as a means of short-term residential accommodation for vulnerable people. The proposal would therefore accord with the Development Plan aspirations relating to housing delivery and specifically to the provision of housing for people in need of care. Although the proposed dwelling house would be smaller than the dwelling space standards set out in Policy DE3 of the Local Plan and would not accord with the guidelines for on-site vehicular parking for dwelling houses set out in Policy TA3 and Appendix F of the Local Plan, it is considered that the quality of the proposed residential accommodation would be acceptable given the intended temporary, short-term use, that the proposal would not result in any significant impact on highway safety and amenity, and that any potential negative impacts of the proposal would not be significant and would be outweighed by the social benefits of the proposal.

Conclusions and Reasons for Decision

The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

Officer Recommendation

To delegate authority to the Assistant Director of Planning & Transport to grant approval subject to the final drafting of conditions.

Conditions

1. Temporary

The development hereby approved shall be completely and permanently removed within 36 months of the date of this permission and within 9 months of the removal of the dwelling the land shall either be returned to its former condition or landscaped in accordance with a landscaping scheme which shall have been submitted to and approved in writing by the Local Planning Authority within 8 weeks of the removal of the dwelling from the site. The approved landscaping scheme shall be fully implemented within 9 months of the removal of the dwelling or in accordance with a timetable to be agreed as part of the landscaping details.

Reason: Because this application is for a temporary permission and this is the basis on which the application has been assessed and In the interests of visual amenity and the amenities of the occupiers of neighbouring properties, and in accordance with Policies DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030, and Policy TH8 of the Torquay Neighbourhood Plan.

2. Obscure glazing

Prior to the occupation of the dwelling house hereby approved, the bathroom window in the northeastern flank elevation of the development hereby approved shall be fitted with obscure glazing to Pilkington level 4, or an equivalent standard. This window shall be fixed shut unless opening parts are located higher than 1.7m above finished floor level or they are fitted with a 100mm opening restrictor. The window shall thereafter be retained in that condition for the lifetime of the development.

Reason: In the interests of privacy of the neighbouring properties, in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

3. Bin storage/ cycle storage

Prior to the first occupation of the dwelling house hereby approved, bin storage and cycle storage facilities shall be provided in accordance with the details indicated on the approved plans. The bin storage and cycle storage facilities shall thereafter be retained and maintained as such for the lifetime of the development.

Reason: In interests of visual amenity and residential amenity, and in accordance with Policies DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan.

4. Larch cladding

The larch cladding used for the development hereby approved shall be natural timber larch cladding and shall be retained and maintained as such for the lifetime of the development.

Reason: In the interests of visual amenity and in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan.

5. Ecology

The development shall proceed fully in accordance with the recommendations of the Ecological Assessment (reference P2020-0146-1, received 10 February 2020) hereby approved.

Reason: To ensure that the development proceeds in an appropriate manner, in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

6. Drainage

The development shall proceed fully in accordance with the drainage strategy hereby approved, which shall be provided in accordance with the approved details prior to the occupation of the dwelling hereby approved and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030 and the guidance contained in the NPPF.

Relevant Policies

Torbay Local Plan

C4 – Trees, Hedgerows and Natural Landscape Features
DE1 – Design
DE3 – Development Amenity
ER1 – Flood Risk
ER2 – Water Management
H1 – Applications for New Homes
NC1 – Biodiversity and Geodiversity
SS3 – Presumption in favour of Sustainable Development
TA2 – Development Access
TA3 – Parking Requirements

Torquay Neighbourhood Plan

TH8 – Established Architecture
TH9 – Parking Facilities
THW4 – Outside Space Provision