

#### **DEVELOPMENT MANAGEMENT COMMITTEE**

A meeting of **Development Management Committee** will be held on

Monday, 12 August 2013

commencing at 2.00 pm

The meeting will be held in the Burdett Room, Riviera International Conference Centre, Torquay

#### **Members of the Committee**

Councillor McPhail (Chairwoman)

Councillor Morey (Vice-Chair) Councillor Kingscote

Councillor Addis Councillor Pentney

Councillor Baldrey Councillor Stockman

Councillor Barnby Councillor Brooksbank

### Working for a healthy, prosperous and happy Bay

For information relating to this meeting or to request a copy in another format or language please contact:

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Email: governance.support@torbay.gov.uk



## DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

#### 1. Apologies for absence

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

2. **Minutes** (Pages 1 - 5)

To confirm as a correct record the Minutes of the meeting of this Committee held on 8 July 2013.

#### 3. Declarations of Interests

(a) To receive declarations of non pecuniary interests in respect of items on this agenda

**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

**(b)** To receive declarations of disclosable pecuniary interests in respect of items on this agenda

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

#### 4. Urgent Items

To consider any other items that the Chairman decides are urgent.

# 5. P/2012/1074 Land off Alfristron Road, Paignton Revisions to Layout and Reduction in Number of Dwellings: Residential development to form 84 dwellings, creation of new vehicular and pedestrian accesses and associated works.

(Pages 6 - 17)

6. P/2013/0436/MPA J Sainsbury Plc, Yalberton Road, Paignton Extension to store building comprising an extension infill to existing loading bay and erection of glazed lobby to store entrance; alterations to car park layout including installation of recycling area and erection of eight new trolley bay shelters; Installation of canopy in connection with groceries on-line operation; and placement of firework container in service yard.

(Pages 18 - 23)

7.	P/2013/0530/PA Windmill Cottage, Windmill Lane, Paignton Demolition of Windmill Cottage and formation of two x three bedroom dwellings with garages.	(Pages 24 - 29)
8.	P/2013/0572/MOA Land Adjacent To The A385 Totnes Road, Collaton St Mary Outline application for proposed residential development (up to 175 units) and associated development including provision of open space, landscaping, ponds and other associated development. All matters reserved for further consideration except access. This is a departure from the Local Plan.	(Pages 30 - 53)
9.	P/2013/0626/PA Roselands County Primary School, Lynmouth Avenue, Paignton Extension of existing hardstanding school playground and erection of 2.4m boundary fence.	(Pages 54 - 56)
10.	P/2013/0656/PA 45 Winsu Avenue, Paignton Demolition of existing house and construction of two new houses.	(Pages 57 - 63)
11.	P/2013/0183/MPA Torre C Of E Primary School, Barton Road, Torquay Construction of 4 classrooms with vehicular access for grounds maintenance; formation of hard surface play area.	(Pages 64 - 71)
12.	P/2013/0244/HA Tallet, Barrington Road, Torquay Formation of extension at first floor level (revised scheme).	(Pages 72 - 74)
13.	P/2013/0529/HA 147 Fore Street, Barton, Torquay Two storey extension to side, rebuild detached garage.	(Pages 75 - 78)
14.	P/2013/0550/MPA Devon & Cornwall Constabulary, Southfield Road, Paignton Development to form 57 sheltered apartments for the elderly including communal facilities (Category II type accommodation), access, car parking and landscaping.	(Pages 79 - 87)
15.	P/2013/0613/PA Jesmond Dene, 85 Abbey Road, Torquay Change of use of guest house (Class C1) to HMO (sui generis) with internal works.	(Pages 88 - 96)
16.	P/2013/0614/LB Jesmond Dene, 85 Abbey Road, Torquay Change of use of guest house (Class C1) to HMO (sui generis) with internal works.	(Pages 97 - 100)
17.	Public speaking If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email <a href="mailto:governance.support@torbay.gov.uk">governance.support@torbay.gov.uk</a> before 11 am on the day of the meeting.	

#### 18. Site visits

If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 7 August 2013. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

### Agenda Item 2



#### **Minutes of the Development Management Committee**

8 July 2013

-: Present :-

Councillor McPhail (Chairwoman)

Councillors Morey (Vice-Chair), Baldrey, Barnby, Brooksbank, Hytche, Kingscote, Pentney and Stockman

#### 11. Apologies for absence

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Committee had been amended for this meeting by including Councillor Hytche instead of Councillor Addis.

#### 12. Minutes

The Minutes of the meeting of the Development Management Committee held on 10 June 2013 were confirmed as a correct record and signed by the Chairwoman.

#### 13. Urgent Items

The Committee considered the items in Minute 14, and not included on the agenda, the Chairman being of the opinion that is was urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

#### 14. P/2012/0647/PA Headland Hotel, Daddyhole Road, Torquay

Members considered a request for an extension of time to issue planning consent, Members were advised that the delay had been as a result of completing a Section 106 Legal Agreement which had now been signed.

Resolved:

Approved.

#### 15. P/2013/0524/PA Chiseldon House, Chiseldon Hill, Brixham

The application was withdrawn.

#### 16. P/2012/1074/MPA Land Off Alfriston Road, Paignton

The application was withdrawn.

#### 17. P/2013/0066/VC The Arboretum, West Lane, Paignton

The Committee considered an application to regularise the conditions attached to P/2008/1217/PA and P/2009/0479/PA Planning Approvals, the 2008 and 2009 Section 106 Legal Agreements with the content of the 2012 Section 106 amendment.

#### Resolved:

Approved, in accordance with the recommendation set out in the submitted report.

#### 18. P/2013/0450/HA 52 Preston Down Road, Paignton

The Committee considered an application for alterations and extensions to provide additional accommodation (Re-submission of P/2013/0198).

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Mrs Andrew addressed the Committee against the application and Mr Richie addressed the Committee in support of the application.

#### Resolved:

Approved, subject to the conditions set out in the submitted report.

#### 19. P/2013/0105/HA Cary Cottage, Cockington Lane, Torquay

The Committee considered an application for the conversion of an existing barn into habitable accommodation.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Mr Butler addressed the Committee against the application and Mr Winfield addressed the Committee in support of the application.

#### Resolved:

Approved, subject to the conditions set out in the submitted report and the following additional conditions:

- that flood doors be fitted and the further recommendations of the drainage engineer in relation to flood risk mitigation be incorporated in to the decision;
- ii) that further details regarding the retention of the character of the building be submitted; and
- iii) that details regarding the height and design of the flue be submitted.

#### 20. P/2013/0275/LB Cary Cottage, Cockington Lane, Torquay

The Committee considered an application for the conversion of an existing barn into habitable accommodation.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Mr Butler addressed the Committee against the application and Mr Winfield addressed the Committee in support of the application.

#### Resolved:

Approved, subject to the conditions set out in the submitted report and the following additional conditions:

- that flood doors be fitted and the further recommendations of the drainage engineer in relation to flood risk mitigation be incorporated in to the decision;
- ii) that further details regarding the retention of the character of the building be submitted; and
- iii) that details regarding the height and design of the flue be submitted.

#### 21. P/2013/0254/MPA County Hotel, 52/54 Belgrave Road, Torquay

The Committee considered an application for the change of use from a former hotel to 8 holiday letting apartments and 2 full residential use apartments on the top floor.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members.

#### Resolved:

#### Approved subject to:

- further improvements to the building (additional windows, roofscape changes, signage and boundary treatment) as set out in the submitted report;
- ii) a holiday use monitoring contribution and clauses pertaining to holiday occupancy and ownership; and
- iii) a Section 106 Legal Agreement, to achieve planning contributions, being completed and signed no later than the 24 July 2013. Failure to complete the Section 106 Legal Agreement by 24 July will result in the application being refused for reasons of the lack of a Section 106 obligation.

### 22. P/2013/0369/MPA Former Finance Building, Torbay Hospital Annexe, 187 Newton Road, Torquay

The Committee considered an application for the partial demolition of existing buildings, refurbishment and extension to the remaining, to create a 300 pupil 'Devon Studio School' and associated parking and landscaping. Change of use of existing C2 (Hospital office/stores) to D1 (School) use.

Prior to the meeting, written representations were circulated to members. At the meeting Kate Davis-Wills addressed the Committee in support of the application.

Resolved:

Approved, subject to the completion and signing of a Section 106 Legal Agreement in relation to sustainable transport and the conditions set out in the submitted report.

#### 23. P/2013/0512/PA Le Papillion, 18 Vansittart Road, Torquay

The Committee considered an application for an extension of time for the implementation of P/2008/1256 comprising alterations, extensions and conversions to form 8 apartments and 1 existing owners flat with car parking.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Mrs Collins addressed the Committee in support of the application.

Resolved:

Approved, subject to completion and signing of a Section 106 Legal Agreement and the conditions set out in the submitted report.

#### 24. P/2013/0565/VC 48 Torwood Street, Torquay

The Committee considered an application for the variation of a condition, reference P/2012/0099, condition 1 – alterations to frontage.

Prior to the meeting, written representations were circulated to members.

Resolved:

Approved.

### 25. Spatial Planning (Strategic Planning and Implementation Team) Performance Report

Members noted a report that set out the performance of the Spatial Planning Team. Members were advised that performance monitoring information would be provided on a quarterly basis.

Members were pleased to hear that a significant number of major planning applications were determined within 13 weeks with 91% of appeals having been successfully defended since January 2013.

Chairman/woman

### Agenda Item 5

**Application Number** Site Address

P/2012/1074 Land Off Alfriston Road

> Paignton Devon

<u>Wa</u>rd **Case Officer** 

Matt Diamond

<u>Update Report</u>
This full planning application for 84 dwellings and associated infrastructure and access was deferred at the committee in February due to outstanding design and 106 matters and again in June, pending the outcome of the viability assessment and further negotiations on the s106. In addition, there were a number of detailed design considerations at the June committee that were left with officers to resolve.

In relation to design, further revisions have now been received and the scheme is now satisfactory and has resolved the previous design concerns. The back to back distances between properties in the central perimeter block have been increased. Pedestrian access has been forged from the lower end of the scheme to the higher end, in the vicinity of the Luscombe Lane access. In addition, the character of the streetscape has been enhanced and it is now considered that with appropriate conditions, the design and layout of the scheme is satisfactory for approval.

In terms of the s106 matters, the final Independent Viability Assessment has now been completed. This confirms that the scheme is not able to make a policy compliant s106 contribution due to the financial viability of the scheme. The financial constraints are associated both with ordinary costs and values and with the extraordinary costs associated with making the development acceptable in planning terms (development site acceptability costs), such as off site flood risk, biodiversity and local centre contributions.

In light of the IVA officers are of the view that the scheme should provide the following 106 package:

- 15% Affordable Housing (being a proportionate mix of the whole in terms of types and sizes) split into thirds (2/3 affordable rent and 1/3 shared ownership)
- An SDLR contribution (approx 50k)
- Public Open Space contribution
- The Development Site Acceptability contributions (local centre, biodiversity, flood risk, waste, junction bond arrangement) (approx 500k)
- Deferred contribution provisions (mechanism to be agreed) in order to protect the Council's position in accepting a reduced s106 package
- A clawback arrangement in relation to the David Wilson Homes contribution, as this is set out as a cost in the IVA
- In 5 and 6 above the amount clawed back will be limited to the maximum s106
- Triggers for payment to be agreed to enable control of cash flow whilst complying with requirements for when the money is to be invested.

The developer has now agreed to this list of heads of terms.

#### **Recommendation**

Subject to final agreement of a satisfactory s106 package and technical confirmation from consultees in respect of their agreement to the final revised layout plan; Conditional Approval (approval to be delegated to the Executive Head of Spatial Planning in respect of the drafting of appropriate conditions).

#### Updated Original Committee Report (out dated information removed/updated)

#### Description

Minor Revisions to Layout and Reduction in Number of Dwellings: Residential development to form 84 dwellings, creation of new vehicular and pedestrian accesses and associated works

#### **Executive Summary/Key Outcomes**

This application was taken to Development Management Committee in February when Members deferred it for further negotiations with the applicant in respect of the remaining design issues, and the undertaking of a viability assessment and further negotiations in respect of the contents of the Section 106 Agreement.

In terms of the design issues, these have largely been resolved following two sets of further revisions. The number of dwellings has reduced further from 92 to 84, which has helped to overcome the previous concerns. In addition, the main road through the site from Alfriston Road would now go directly up the slope instead of looping to the north.

Importantly, this revised design approach now fits with the emerging draft Great Parks masterplan, which covers the whole of the phase 2 development land both at the application site and to the north. Development of this site will help deliver a new local centre, within Phase 2, and a community park in the valley to the west of the site. Significant progress has been made with landowners in Phase 2, which includes Council owned land, to ensure the site can be developed in the next 5 years.

The revised principle route through the site allows for a more legible street hierarchy, with a primary route for vehicles (including potential for a bus route) and secondary streets that are more pedestrian friendly. In addition, the character of the housing has been simplified in terms of use of materials, which will help to create a more distinctive place, provided the materials are of a good quality. It is considered that the revised design (subject to some further detailed design negotiations) overcomes the Design Review Panel's previous concerns with the scheme.

Contrary to previous evidence, it has been confirmed that the Cotehele Drive/King's Ash Road junction has enough capacity to cope with the traffic generated by the proposed development until 2018. At this point in time the junction would go over capacity making the proposed development unacceptable. However, by this time the rest of Great Parks Phase 2 should have been delivered, including the access road to the site from the northwest. When this new access road has been built, the access from Alfriston Road could be closed to all but pedestrians, cyclists and buses, which can be secured in the S106 Agreement.

Therefore, there would not be a detrimental impact on the Cotehele Drive/King's Ash Road junction in that event. The provision of MOVA traffic signals at the junction by the applicant would possibly extend the capacity of the junction by a year, but this would need to be confirmed by further traffic modelling at that time. In the event of non-delivery of the remainder of the Great Parks development a bond would be secured through the 106 to carry out any necessary improvement works to the capacity of the Cotehele junction.

#### Recommendation

Conditional approval delegated to the Executive Head of Spatial Planning; subject to the signing of a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning within 6 months of the date of this committee or the application be reconsidered in full by the committee. Appropriate planning conditions to be determined by the Executive Head of Spatial Planning.

#### **Site Details**

The site is located on the western edge of Paignton. It is bounded by residential properties to the southeast, a public footpath (Luscombe Road) and residential properties to the northeast, and open countryside to the northwest and southwest. The site area is 1.8 ha. The site is allocated for housing in the Adopted Torbay Local Plan 1995-2011 (the 'Local Plan') as part of Great Parks Phase 2 and has been identified as a 5 year housing supply site in the emerging Local Plan.

The Council has commissioned external consultants to produce a masterplan for Great Parks Phase 2, which is currently being prepared with community events forming an important part of the masterplanning process. The site is also part of the Ramshill County Wildlife Site (CWS) and SINC (Sites of Importance for Nature Conservation).

The countryside to the northwest and southwest also forms part of the CWS and SINC. It is also designated in the Local Plan as an Area of Great Landscape Value (AGLV). A large part of it is also located within the 5km buffer greater horseshoe bat sustenance zone and a strategic flyway associated with the South Hams Special Area of Conservation (SAC) at Berry Head. These come to within 5 metres and 30 metres of the southwest boundary of the site. Luscombe Road is designated as a cycle route in the Local Plan.

Alfriston Road is a cul-de-sac that meets the site approximately half way along the southeast boundary. This could provide vehicular access to the site. In addition, there is an existing pedestrian access to the site from Luscombe Road in the northern corner of the site.

The site comprises a field of improved grassland surrounded by both species rich and species poor hedgerows, with trees. A 1-2m margin of tall ruderal plant species borders the hedgerows, with a bank of bracken also present along the eastern edge. A number of protected and/or notable species of flora and fauna have been recorded on the site. The site topography rises from southeast to northwest by 12.23m, measured from the lowest point in the far eastern corner to the highest point approximately half way along the northwest boundary.

#### **Detailed Proposals**

The revised proposals comprise a residential development of 84 dwellings: 21 no. 2-bed dwellings (2 coach houses, 12 flats, 1 terraced house and 6 semi-detached houses); 43 no. 3-bed dwellings (18 terraced houses, 24 semi-detached houses and 1 detached house); and 20 no. 4-bed dwellings (6 terraced houses, 6 semi-detached houses and 8 detached houses). The number of dwellings has decreased by a further 8 dwellings from 92 to 84 as a result of negotiation on layout and design.

Building heights range from 2 storeys to 3 storeys, with a number of 2 and a half storey terraced and semi-detached houses, and split 2/3 storey terraced and semi-detached houses.

Vehicular access to the site would be from Alfriston Road. This could, depending on the outcome of the final masterplan for Phase 2, be a temporary vehicular access until access is provided through the remainder of the Great Parks Phase 2 site to the northwest. However, it would remain accessible to pedestrians, cyclists and buses. The road would now go directly up the slope with secondary streets either side. A pedestrian link is retained to Luscombe Road to the north.

The design of the dwellings has been simplified further. The rationale is to create two distinctive characters, predominantly render along the main road and brickwork around the secondary streets.

A (soft) landscape scheme has been submitted. This includes provision of ornamental shrub and grass borders in front of properties, as well as street trees and hedgerows. No public open space would be provided.

All of the proposed houses would have two parking spaces, either within the curtilage or within unadopted parking bays adjacent to the street. The proposed flats would have 1 parking space per dwelling, provided within parking courtyards and the requisite visitor's parking would also be provided.

The plans show that the primary street up the slope, secondary streets and footpath to Luscombe Road would be adopted by the Local Highway Authority. The parking courtyards would be private.

#### **Summary Of Consultation Responses**

A comprehensive summary of consultation responses was reported to Development Management Committee in February.

Drainage, highways and South West Water: Comments pending on final revised layout

RSPB and Natural England: It is essential there is adequate strategic mitigation for the impacts of this development via contributions to secure off-site habitat provision and management regards the loss of part of the Ramshill CWS and the habitat it provides for protected species including cirl buntings. The retention of hedges within the boundaries of proposed dwellings will most likely lead to the loss of their existing wildlife value through inappropriate management such that these features cannot be regarded with any confidence as part of on-site mitigation. No details are provided in regard to a contribution for biodiversity offsetting and conditions for biodiversity enhancements.

RSPB and Natural England should be consulted on the scope and content of biodiversity offsetting and mitigation/enhancement measures.

Torbay Design Review Panel: Comments provided in relation to the previous scheme. Officer's view is that the revised submission attends to the majority of these comments and, following further design negotiations on the detail of the submission, it is anticipated the DRPs concerns will be resolved.

#### **Summary of Representations**

33 objections have been received and 2 representations. The following material considerations were raised, although the majority of these relate to earlier iterations of the proposals:

- King's Ash Road and the estate are at capacity and cannot cope with more traffic
- Alfriston Road not wide enough/suitable to accommodate an access road
- More housing is required, but the infrastructure should be put in place first with access from a new junction on King's Ash Road near Spruce Way
- There is only one access to the estate from King's Ash Road
- Impact of construction traffic on residential amenity/child safety
- Premature to proceed ahead of the masterplan in a piecemeal manner
- Any approval should be conditional on the construction of an alternative vehicular route to the north
- Housing density is very high and not in keeping with surroundings
- Few detached houses not in keeping with existing surrounding properties
- 3 storey buildings on top of slope will cause visual impact buildings should be no more than 2 storeys
- Steep nature of site will create problems overlooking and reduced privacy for existing houses
- Not enough parking, which is likely to lead to roads cluttered with cars
- Concerns with impact of proposals on localised flooding
- Render on elevations will not fit in with the existing estate and will deteriorate quickly if not properly maintained
- Storage areas for the large refuse bins have not been identified
- Noise and dust pollution during construction
- No plans to develop local facilities and services within the application the area has very poor services and facilities, especially recreation and play facilities
- Impact on local wildlife
- Location of proposed substation in close proximity to existing residential property
- No public consultation has been carried out
- No foot or cycle path links in or out of development
- Still outstanding work from Phase 1
- Light pollution
- Would spoil Area of Great Landscape Value
- Pressure on local schools and medical facilities
- Potential slope instability from water entering upper levels of slope/soakaways
- Trial pits not in location of individual property soakaways or communal soakaway
- Concern over the location of the communal soakaway above and behind existing properties to the south of the site
- Impact on trees/hedgerows

- Overdevelopment housing not needed
- Loss of potential agricultural land
- Impact on foul drainage
- The revised plans take no account of the major objection of local residents impact on local highways during construction and after the development is completed
- Access to the site from the northwest must be constructed before any development begins, leaving Alfriston Road as pedestrian access only
- Does nothing to address previous objections
- No change to the access to the site
- No advances on the original scheme
- Consideration of the proposals should be deferred until the Great Parks masterplan is approved
- 84 dwellings is still too high density
- There should be design continuity between Great Parks Phase 1 and 2.

The emerging masterplan for Phase 3 included, as a key element of the process, a three day community engagement event during which a draft masterplan was produced. This event showed that many residents accept the principle of development but want to ensure a high quality development which respects its landscape setting, the delivery of a new local centre and new community park. In the past, residents have expressed concern about vehicle connections between Phases 1 and 2. However, it is now appreciated by residents that, with careful traffic management, it may well be possible to link the two phases so that drivers have options for entering/leaving the estate. The final masterplan will be the subject of further engagement with the community.

#### **Relevant Planning History**

ZP/2007/0714 Residential Development (pre-application enquiry): Split Decision

30.08.2007

ZP/2012/0151 Housing development (pre-application enguiry): Refuse 20.08.2012

P/2012/0660 Screening opinion: EIA not required 04.09.2012

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

The key issues are:

- 1. The principle of the development
- 2. Impact of the development on local highways, including the capacity of Cotehele Drive/King's Ash Road junction
- 3. Design
- 4. Car parking
- 5. Privacy and amenity
- 6. Impact on biodiversity/loss of part of CWS
- 7. Surface water drainage
- 8. Affordable housing

#### 1. The principle of the development

The principle of the development is acceptable, as the site is allocated for housing in the Local Plan as part of Great Parks Phase 2 (Policy H1). The National Planning Policy Framework (NPPF) advocates a presumption in favour of sustainable development, which for decision taking means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted. (Para 14)

Unless material considerations indicate otherwise.

Therefore, provided the design and technical matters of the application are in accordance with the policies in the Local Plan, the application should be approved. Where issues are not addressed by policies in the Local Plan, or policies are out-of-date, the application should be approved unless its impacts are significantly greater than its benefits, taking into account the policies in the NPPF, or policies in the NPPF restrict development on the site.

Since March 2013, weight may be given to Local Plan policies according to their degree of consistency with the NPPF.

The NPPF states that its policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system (Para 6).

The sections below discuss the acceptability of the proposed development with reference to the other relevant policies in the Local Plan and the policies in the NPPF, i.e. how sustainable is the proposed development?

### 2. Impact of the development on local highways, including the capacity of Cotehele Drive/King's Ash Road junction

Contrary to previous evidence, it has been confirmed that the Cotehele Drive/King's Ash Road junction has enough capacity to cope with the traffic generated by the proposed development until 2018. This could be extended by about 1 year through the introduction of MOVA traffic signals at the junction, but this would have to be confirmed by carrying out further traffic modelling closer to the time.

Therefore, the proposed development is acceptable in this regard, as by the time the Cotehele Drive/King's Ash Road junction goes over capacity in 2018/2019, the rest of Great Parks Phase 2 should have been built, including the access road to the site from the northwest. When access to the site from the northwest has been provided, access to the site from Alfriston Road can be closed to vehicular traffic except for buses.

As the proposed development will eventually be served via the new access to Great Parks Phase 2 further to the north along King's Ash Road and its acceptability is dependent on this, the development should contribute to funding the new access as a site acceptability contribution. This should be calculated on a pro rata basis according to the proposed number of dwellings on the site and the estimated number on Great Parks Phase 2 as a whole.

Should for any reason the rest of Great Parks Phase 2 not be built prior to 2018/2019 when the Cotehele Drive/King's Ash Road junction goes over capacity, the funding towards the new access should be spent instead on upgrading the existing junction to ensure that it operates within capacity. The funding should be secured as a bond in a S106 Agreement.

The above provision does not take into account the impact of development coming forward on the rest of Great Parks Phase 2 on the Cotehele Drive/King's Ash Road junction as a result of additional traffic flow along King's Ash Road. This might realistically be built before the access road to the site from the northwest has been completed to the extent of providing access to the application site. However, it is important to secure the delivery of housing on the site now rather than waiting. This is a significant material consideration given the need for housing and the fact that this site falls within the Council's list of 5 year supply sites. In addition, the development could be seen as 'pump priming' delivery of the rest of Great Parks Phase 2 through the measures to be secured in the s106 and through the commencement of development on this site.

The proposed development would not have a significant impact on other local highways on the estate or in the wider area. Should planning permission be granted, local residents' concerns regarding the impact of construction traffic on the estate roads and local amenity can be addressed through a condition for a Construction Method Statement requiring these details. Furthermore, if so required a construction access could be provided to the north off of Luscombe Road, although at this time it is not anticipated that this will be a requirement.

It may be necessary (in order to avoid creating a rat run) to secure the future restriction of the access into the site from Alfriston Road (when the northern access is provided). In this event, the s106 or conditions would need to include provision for a bus gate to preclude all movements from the north through the site to Alfriston Road with the exception of buses, cyclists, pedestrians and emergency vehicles. The masterplanning work suggests that this may not be necessary and further negotiations will provide clarity on this matter before the 106 is signed and the decision is issued.

Based on the above, the proposal accords with criteria (2) and (3) of Policy T26 of the Local Plan, subject to a bond towards funding the new access to Great Parks Phase 2 or improvements to the Cotehele Drive/King's Ash Road junction secured in a S106 Agreement.

#### 3. Design

Since the application was deferred at the February Development Management Committee the proposal has been revised twice to address the remaining design issues. As a consequence the number of dwellings has reduced from 92 to 84.

The applicant has responded to the concerns previously raised and the scheme is now considered generally acceptable in design terms. One of the key changes is to provide the main street directly up the slope rather than looping to the north. This solves a number of problems with the previous layout and importantly this is also consistent with the draft Great Parks masterplan. This has also resolved the more significant concerns raised by the Torbay Design Review Panel.

The majority of housing would be accessed off secondary streets that are designed to prioritise pedestrians instead of traffic. Street trees would be planted along the secondary streets in order to help calm traffic and soften the appearance of the development, particularly when viewed from Lutyens Drive to the northeast.

The design of the housing has been simplified in relation to materials. The applicant has committed to providing quality brickwork where it is used. This would contribute to providing a distinctive place with character.

The reduction in dwellings has led to a reduction in car parking. There is now a better relationship between the proposed dwellings and car parking, and the level of parking is considered acceptable and would not overly dominate the streets.

There is still no public open space on the site or meaningful provision of green infrastructure, although the important hedgerows around the site boundary would be retained. A contribution towards providing public open space / community park elsewhere on Great Parks Phase 2 is therefore being sought in the S106 Agreement as a sustainable development contribution. This will be subject to the independent viability assessment.

The proposal is considered to accord with Policies H9, H10, CF2, BE1, BE2 and T26(1) of the Local Plan, and Section 7 of the NPPF.

#### 4. Car parking

The Council's parking standards require 2 garages/car parking spaces per dwelling within the curtilage, or 1 car parking space per dwelling plus 1 visitor's space per 2 dwellings located within reasonable walking distance of the units to be served. For flats it is 1 garage/parking space per unit plus 1 space per 2 units for visitors. Whilst these are maximum standards, the location of the development site on the edge of Paignton means that the maximum provision is required.

The proposal now complies with the Council's parking standards and therefore accords with Policy T25 of the Local Plan.

#### 5. Privacy and amenity

The separation distances between the proposed dwellings and existing properties surrounding the site appear satisfactory in order to maintain adequate levels of privacy and amenity. This can be supplemented with vegetation screening if necessary.

The separation distances between the proposed dwellings within the central perimeter block in the north of the site is less than what would usually be expected, especially given the difference in levels. However, this cannot be improved without significant and dramatic changes to the layout that could lead to the loss of a significant number of dwellings. Therefore, as future occupiers would be aware of this when they buy/let the property and vegetation screening could be used to provide greater levels of privacy, this is considered acceptable in the circumstances.

Therefore, in terms of privacy and amenity, the proposal accords with Policy H9 of the Local Plan.

#### 6. Impact on biodiversity/loss of part of CWS

Both the RSPB and Natural England have expressed concern over the lack of detail in the application of how the proposal would mitigate for the loss of part of the Ramshill County Wildlife Site, and how this mitigation would relate to mitigation for the rest of Great Parks Phase 2. Natural England has recommended using the Torbay biodiversity offsetting pilot to help calculate off-site compensation, where on-site mitigation measures are restricted. The Council's former Green Infrastructure Coordinator used this tool to calculate a contribution from the proposed development towards the proposed community park adjacent to Great Parks Phase 2 to offset the biodiversity loss on the site, including ongoing management and maintenance. This contribution should be secured in a S106 Agreement as a site acceptability matter.

Therefore, the proposal will accord with Policy NC3 of the Local Plan, subject to a contribution for biodiversity offsetting secured in a S106 Agreement. In addition, recommendations for biodiversity enhancements in the application should be secured by condition.

#### 7. Surface water drainage

The Council's Engineering – Drainage department has confirmed that the proposed drainage strategy appears satisfactory, but further details are required before planning permission can be granted. Following the submission of the first revised Flood Risk Assessment (V2), the Environment Agency confirmed that it would be happy with a condition to deal with these details. Following the submission of the second revised Flood Risk Assessment (V3) the Council's Engineering – Drainage department has confirmed that these details can now be dealt with by way of a pre-commencement condition.

As part of the surface water runoff from the site would drain into the main sewer, both the Council's Engineering – Drainage department and the Environment Agency require a financial contribution towards both maintenance and works to increase the storage capacity of the Great Parks storage lagoon situated on the Clennon Valley watercourse. This is necessary because it currently only caters for the phase 1 development, and in order to reduce the risk of flooding to properties downstream. The contribution should be calculated on a pro rata basis according to the proposed number of dwellings on the site and the estimated number on Great Parks Phase 2 as a whole. It should be secured in a S106 Agreement as a site acceptability contribution.

Therefore, the proposal accords with paragraphs 99-104 of the NPPF with reference to managing flood risk, subject to the submission of the details requested above before development commences on the site and a contribution towards upgrading and maintaining the Great Parks storage lagoon secured in a S106 Agreement.

#### 8. Affordable housing

**S106/CIL** - The following site acceptability contributions are required in accordance with Policy CF6 of the Local Plan and the Planning Contributions and Affordable Housing SPD:

Waste Management £4,200.00
Bond for contribution towards Great Parks Phase 2 access £262,500.00
Biodiversity/CWS offsetting (works and maintenance) £90,429.00
Upgrading and maintenance of Great Parks storage lagoon £131,664.54
Great Parks masterplan Local Centre £27,720.00

In addition, contributions are required towards the following sustainable development matters, although these cannot be calculated until the level of affordable housing has been agreed due to mitigation that is applied to affordable housing:

Sustainable Transport (Sustainable Development)
Stronger Communities (Sustainable Development)
Education (Sustainable Development)
Lifelong Learning – Libraries (Sustainable Development)
Greenspace and Recreation (Sustainable Development)

In addition, a contribution is required towards the South Devon Link Road (SDLR) in accordance with the 'Third Party Contributions towards the South Devon Link Road' report adopted by the Council on 6 December 2012. This must be subtracted from other contributions, taking into account the recommended order of priority in the SDLR report. Again this cannot be calculated until the level of affordable housing has been agreed.

As stated, a draft independent viability assessment has been prepared and this is being used to negotiate the contents of the S106 Agreement with the applicant, including affordable housing. The latest position will be reported at Committee.

#### S106 Justification

Site Acceptability

The contribution towards waste management is justified in paragraph 2.18 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6) and will pay the cost of providing bins to the proposed dwellings. It also accords with Local Plan Policy W7.

The bond for a contribution towards Great Parks Phase 2 access, minus the cost of MOVA traffic signals, is justified because the proposed development will eventually be served via the new access to Great Parks Phase 2 further to the north along King's Ash Road and its acceptability is dependent on this.

The contribution required to offset biodiversity impact on the site and loss of part of the County Wildlife Site is justified because biodiversity mitigation will not be provided on-site. Further justification is provided in the consultation responses from the RSPB and Natural England. This approach is given weight in Section 11 of the NPPF.

The contribution towards upgrading and maintaining the Great Parks storage lagoon on the Clennon Valley watercourse is justified because surface water from the development site will drain into the main sewer, which will place additional burden on this infrastructure and increase the risk of flooding to downstream properties. The storage lagoon and other attenuation measures were only constructed to accommodate the downstream discharge from Great Parks Phase 1, not Great Parks Phase 2 also.

The contribution towards the Local Centre is justified, as the development site forms part of Great Parks Phase 2, which must include a Local Centre in order to deliver a sustainable community. The land required for the Local Centre will have less value than land for residential development and this cost should be borne equally by all the land owners of Great Parks Phase 2.

#### South Devon Link Road

The contribution towards the SDLR is justified in Appendix 1 of the 'Third Party Contributions towards the South Devon Link Road' report adopted by the Council on 6 December 2012 and is based on an assessment of the impact that the development would have on the road.

#### Affordable Housing

30% affordable housing is justified in Section 3.0 of LDD6. It also accords with Local Plan Policy H5.

#### Sustainable Development Contributions

The contribution towards sustainable transport is justified in paragraphs 4.12-4.24 of LDD6 and will be used towards the enhancement of local bus/cycle infrastructure. The NPPF and Local Plan Policy T2 promote sustainable transport modes. The proposed dwellings would generate additional trips and should therefore contribute toward sustainable transport in the area.

The contribution towards stronger communities is justified in paragraphs 4.31-4.35 of LDD6 and will be used towards the provision of a street warden in the area.

The contribution towards education is justified in paragraphs 4.40-4.46 of LDD6 and will be used towards funding Children's Services Capital Programme, which includes projects at Roselands Primary School and White Rock Primary School in Paignton. The proposed development includes family dwellings where children might reasonably be expected to go to these schools; therefore, the development should contribute towards education. It also accords with Local Plan Policy CF7.

The contribution towards lifelong learning is justified in paragraphs 4.47-4.51 of LDD6 and will be used towards the cost of improving provision at Paignton Library, including Wi-Fi. The proposed dwellings would place additional demand on the services provided by Paignton Library and the contribution will ensure these services are provided with funding to mitigate the proposed development.

The contribution towards greenspace and recreation is justified in paragraphs 4.52-4.58 of LDD6. No public open space will be provided on-site; therefore a contribution is required towards provision of off-site public open space elsewhere on Great Parks Phase 2.

#### Conclusions

Following the deferment of the application at Development Management Committee in February, the applicant has worked positively with officers to resolve the remaining design issues. This has resulted in the loss of 8 dwellings and the rerouting of the main road directly up the slope, which has overcome the main design issues with the previous scheme.

Furthermore, the proposal now fits in with the key principles of the draft masterplan coming forward for Great Parks Phase 2. Therefore, subject to some minor tweaks described in this report, the design of the proposed development is acceptable.

### Agenda Item 6

<u>Application Number</u> <u>Site Address</u>

P/2013/0436 J Sainsbury Plc

Yalberton Road Paignton

Devon TQ4 7PE

Case Officer Ward

Matt Diamond Blatchcombe

#### **Description**

Extension to store building comprising an extension infill to existing loading bay and erection of glazed lobby to store entrance; alterations to car park layout including installation of recycling area and erection of eight new trolley bay shelters; Installation of canopy in connection with groceries on-line operation; and placement of firework container in service yard.

#### **Executive Summary/Key Outcomes**

This application is for a number of relatively small separate developments at the Sainsbury's supermarket, Yalberton Road, Paignton. They include a new store entrance and alterations to the car park, as well as new plant and expanded groceries on-line (GOL) facilities to the rear of the existing building. The aim is to improve the function of the store for customers and employees.

The site is located within the greater horseshoe bat sustenance zone associated with the South Hams SAC at Berry Head.

The proposals are acceptable, although a number of trees have been removed from the car park without any new replacement planting proposed. Therefore, to enhance biodiversity in accordance with the National Planning Policy Framework (NPPF) and accord with Policy L9 of the Adopted Torbay Local Plan 1995-2011 (the 'Local Plan'), a condition is proposed requiring a landscaping plan and landscape and ecological management plan to mitigate for the lost trees; the landscaping plan has been requested by the Arboricultural Officer.

A further condition is required to approve details of proposed new lighting to the rear of the store to ensure it has no ecological impact on greater horseshoe bats.

#### **Recommendation**

Conditional approval

#### **Statutory Determination Period**

The application is a major application because the site area is greater than 1 hectare. The application was validated on 21.05.2013. The 13 week determination date is 21.08.2013.

#### **Site Details**

The site is the Sainsbury's supermarket off Yalberton Road on the edge of Paignton. The

site area is 2.79 hectares. The site is bounded by Yalberton Road to the north, Brixham Road to the east, residential properties and fields to the south and an electricity power station and fields to the west.

The site is unallocated and undesignated in the Local Plan.

#### **Detailed Proposals**

The proposals comprise the following:

- o Extension infill to existing loading bay to the rear of the store (118 sq m);
- o Erection of a glazed lobby located adjacent to the existing store entrance and positioned underneath the existing roof structure (43 sq m, 2.7m high), and additional glazing and means of escape door on east elevation;
- o Alterations to the car park layout including introduction of recycling area and erection of eight new covered trolley bay shelters;
- o Installation of a canopy in connection with the existing groceries on-line (GOL) operation located at the rear of the store (244 sq m, 3.5m high);
- o Erection of a cage adjacent to the service entrance on Yalberton Road to form a secure parking area for four GOL vans;
- o Placement of a freestanding metal firework container in the service yard to the rear of the store (2.5m wide x 6m long x 2.5m high); and
- o New gas coolers in plant area to the rear of the store and installation of metal palisade gates (3m high) to plant area.

The proposals are intended to improve the function of the store for employees and customers.

The extension infill to the loading bay would enclose the existing loading docks to the rear of the store and would be constructed in brick to match the existing.

The new glazed lobby is intended to improve the appearance of the entrance of the store to customers. The new glazing and door on the east elevation is intended to provide a more active frontage facing the car park and would allow more light into the store.

The alterations to the car park are intended to improve traffic flow and movement for pedestrians. They would result in the loss of 69 car parking spaces from 426 to 357, but the number of disabled spaces would be increased from 18 to 21. They would also result in the loss of 22 small trees in the car park.

The canopy would provide shelter for employees loading and unloading in connection with the GOL service and would incorporate lighting for loading and unloading in darkness. One of the existing redundant plant rooms would be demolished in order to accommodate it. The canopy would be polyester powder coated aluminium (grey).

The cage adjacent to the service entrance would provide secure parking for GOL vehicles and would result in the removal of one tree. Other trees would be retained along the boundary to screen the cage.

The fireworks container would store fireworks away from the main store adjacent to the western boundary. The container would be movable and only likely to be used for one month per year leading up to 5th November.

The new gas coolers would replace old coolers in the plant area to the rear of the store and new gates would be installed to secure the plant area.

Access to the store would remain unchanged. It is not possible to fence off the entire service yard due to a right of way across the site.

#### **Summary Of Consultation Responses**

Arboricultural Officer: A number of quality specimen trees of varied species and size are located variously throughout the car park areas, planted and established following the stores construction in 1996. The design and access statement indicates that 22 trees will be removed, which appear to have already been undertaken prior to consent being granted. The southern parking area now only contains 8 out of a previous 30 trees. This tree loss whilst only presently locally appreciable will have long term negative effects to the public visual amenities of the local and wider landscape given that the tree species were purposefully planted to integrate the modern site into the wider landscape. No supporting landscape plan has been submitted to address the significant loss of individual trees and the aggregated shading canopy cover previously offered. Multiple locations exist to the periphery of the site and at strategic locations within the linear beds for replacement tree planting without restricting the intended new car park layout. The use of cellular rooting systems should be made to ensure successful establishment where not planted with adequate soil volume.

Recommends a condition requiring a detailed landscaping plan prior to the commencement of the development.

Highways/Strategic Transportation: No objection in principle. Highways would request an SPD contribution towards improvements of the western corridor. Reversing in or out of the motor home bays might be difficult.

Community Safety: Stated the proposal is acceptable having looked at the information provided with regard to the plant equipment and no further comments.

South West Water: No objection or comment.

Engineering - Drainage: No objections, as there would be no increase in impermeable area.

#### **Summary Of Representations**

No public representations have been received.

#### **Relevant Planning History**

P/2000/0891 Erection Of Restaurant (Class A3) (As Revised By Plans Received 26/9/00): Approved 23.07.2002.

P/2007/2110 Extensions At Front And Side; Internal Extension To Warehouse Area At First Floor Level; Extension Of Car Park & Revised Layout And Vehicular Access Arrangements: Approved 20.03.2008.

P/2008/1020 Formation of new kiosk; plant room: Approved 14.10.2008.

P/2012/1222 External alterations to petrol filling station including replacement of canopy; replacement car wash enclosure; replacement pumps; and replacement of underground tanks: Approved 07.01.2013.

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

The key issues are:

- 1. Principle of the Developments
- 2. Design
- 3. Loss of Parking
- 4. Loss of Trees
- 5. Impact on Biodiversity

#### 1. Principle of the Developments

The principle of the developments is acceptable, as the use is pre-existing and the application seeks to carry out improvements to the existing store.

#### 2. Design

The designs of the built elements of the proposal are acceptable, as they would fit in with the design of the existing store. The new glazing on the east elevation would be an improvement by creating a more active frontage to the car park and allowing more natural daylight into the store.

#### 3. Loss of Parking

The alterations to the car park would result in the loss of 69 spaces from 426 (a total which includes 18 disabled spaces and 19 parent and child spaces), to 357 (a total which includes 21 disabled spaces and 14 parent and child spaces). The application documents refer to a car parking accumulation survey carried out in May 2011 that showed that a maximum of 251 spaces were in use during the Friday am and Saturday pm peak times. This evidence has been considered and officers are of the view that the proposed loss of spaces would not be detrimental.

#### 4. Loss of Trees

According to the Design and Access Statement, the alterations to the car park would result in the loss of 22 trees in the car park, although examination of the proposed site plan shows that in actual fact 25 trees would be lost. The alterations have already commenced and the trees have now been removed. The Arboricultural Officer has commented that this harms visual amenity both locally and in the wider landscape and no replacement tree planting is proposed. Therefore, a condition requiring a detailed landscaping plan is recommended.

The agent acting for the applicant has responded by stating no replacement planting is proposed and the trees were removed to allow for better and safer access around the car park. Furthermore, they were considered to contribute little to the amenity of the site or the wider area and a number of trees are retained, as is the dense vegetation along the south and east boundaries.

In considering this issue, it should be remembered that the loss of the trees also has an impact on biodiversity, which is more relevant for this application because the site is located within the greater horseshoe bat sustenance zone associated with the South

Hams SAC at Berry Head. Furthermore, the loss of the trees does not follow national guidance in the National Planning Policy Framework (NPPF), which aims to conserve or enhance biodiversity when determining planning applications. It is also against Local Plan Policies L9, L10 and BE2.

Therefore, a condition requiring a detailed landscaping plan is considered appropriate, together with a Landscape and Ecological Management Plan in order to manage the remaining vegetation on the site, and the proposed new landscape, for the benefit of wildlife and to ensure that no other trees are lost in the future through poor management. The landscaping plan should propose suitable soft landscape for the site and does not necessarily have to provide a like-for-like replacement of the trees that have been lost. This could focus on enhancing the landscape around the edge of the site. This approach accords with Local Plan Policy L9.

#### 5. Impact on Biodiversity

As discussed above, the site is located within the greater horseshoe bat sustenance zone associated with the South Hams SAC at Berry Head. Natural England guidance states that development proposals within sustenance zones must not result in the following ecological impacts and if they do appropriate mitigation needs to be incorporated to prevent unacceptable damage:

- 1. Removal of linear features used for navigation
- 2. Illumination
- 3. Physical injury by wind turbines
- 4. Change in habitat structure and composition

The proposed canopy to the rear of the store incorporates lighting for loading and unloading deliveries for internet shopping when it is dark. This lighting could have an impact on greater horseshoe bats. Therefore, a condition is needed requiring details of this lighting to ensure that it is 'bat friendly'. This should be checked by a suitably qualified ecologist. New planting along the west of the site would help screen light spill from the new canopy.

#### S106/CIL -

Whilst Highways have recommended a sustainable transport contribution towards improvements along the western corridor, this is considered unreasonable as it is unlikely that vehicle movements to and from the store would differ significantly from present levels. It is also pertinent that the number of parking spaces would be reduced.

#### Conclusions

The proposed development at the store is acceptable, subject to suitable landscaping and biodiversity conditions, and would improve the way the store operates for the benefit of customers and employees.

#### Condition(s)/Reason(s)

01. Within 3 months of the approval of the application a Landscaping Plan and a Landscape and Ecological Management Plan (LEMP) must be submitted to the Local Planning Authority for approval in writing. The LEMP shall include: long term design objectives, ecological objectives, management responsibilities and maintenance schedules for all landscape areas. The Landscaping Plan shall be

implemented as approved and the Landscape and Ecological Management Plan shall be complied with as approved from the date of its approval until the existing use ceases operating on the site.

Reason: In the interests of the amenities of the area and to mitigate for the loss of trees on the site, and in order to comply with saved Policies L9, L10 and BE2 of the Adopted Torbay Local Plan 1995-2011, and section 11 of the NPPF.

02. The canopy to the rear of the building hereby approved shall not be constructed until details of the canopy lighting have been submitted to and approved in writing by the Local Planning Authority. The proposed lighting shall demonstrate that it will not have a detrimental ecological impact on greater horseshoe bats and shall be implemented as approved.

Reason: To ensure the lighting shall not impact upon the existing and likely greater horseshoe bat habitat, and in order to comply with saved Policy NCS and NC5 of the Adopted Torbay Local Plan 1995-2011, and section 11 of the NPPF.

#### **Relevant Policies**

L9 - Planting and retention of trees

L10 - Major development and landscaping

NC5 - Protected species

EP5 - Light pollution

BES - Built environment strategy

BE2 - Landscaping and design

### Agenda Item 7

<u>Application Number</u> <u>Site Address</u>

P/2013/0530 Windmill Cottage

Windmill Lane Paignton Devon TQ3 1AA

<u>Case Officer</u> <u>Ward</u>

Mr Alexis Moran Preston

#### **Description**

Demolition of Windmill Cottage and formation of Two x Three bedroom dwellings with garages

#### **Executive Summary/Key Outcomes**

The application seeks permission for the demolition of the existing property on the site, Windmill Cottage and replacement with two dwellings of one and a half stories.

Following negotiations with officers, the application has been revised since its initial submission with access to both proposed properties now being via the existing access off of Windmill Lane. This reduces potential noise disturbance to the property at 73 Longmead Road and would result in the large existing Oak Tree being retained.

The design of the principle elevations has also been improved to provide more natural surveillance and to give more emphasis on the frontage to the properties. The garages have been realigned to the side elevations of the properties. The rear Juliet rails on plot 1 have been replaced with dormers to have less of an impact on the privacy of number 73 Longmead Road.

The cottage lies near to a listed Windmill, an important heritage asset. Windmill Cottage is not a Listed Building and therefore does not have the same protection available to it. The cottage has been unsympathetically added to over the years and is not deemed to be a significant heritage asset; this is backed up by the fact that it has not been deemed appropriate to gain Listed status.

The cottage and the Listed windmill have a separate curtilage and do not immediately read as linked heritage assets. Bearing these points in mind it is not considered that the demolition of Windmill Cottage would have a significant impact on the setting of the Listed windmill.

There is a mix of dwelling sizes and types in the area, albeit that the immediate vicinity is mainly bungalow 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 street scene.

The relationship in terms of privacy and neighbour amenity is considered to be acceptable, given that the submission of revised plans has taken into account the impact the development would have on the occupiers of number 73 Longmead Road.

#### Recommendation

Conditional Approval; Subject to the completion of a section 106 agreement or upfront payment; the removal/relocation of the proposed conservatory facing the listed Windmill, and; conditions relating to landscaping, the proposed development is considered to be acceptable.

#### **Statutory Determination Period**

8 weeks expired 19 July, delay caused by the need to refer to committee and obtain revised plans.

#### **Site Details**

The site, 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.

#### **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.

The application has been revised since its initial submission with access to both proposed properties being via the exiting off of Windmill Lane. This reduces potential noise disturbance to the property at 73 Longmead Road and would result in the large existing Oak Tree being undamaged.

The design of the principle elevations has also been improved to provide more natural surveillance and to give more emphasis on this being the front of the properties. The garages have been realigned to the side elevations of the properties. The rear Juliet rails on plot 1 have been replaced with dormers to have less of an impact on the amenity of number 73 Longmead Road.

#### **Summary Of Consultation Responses**

Highways - No objection.

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

Arboricultural Officer - No objection as the highways access to plot 1 has been removed.

#### **Summary Of Representations**

Thirty 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
- Confusion over the potential for the demolition of the Listed windmill
- Out of character
- Overdevelopment
- Loss of privacy
- Impact of nature and trees

#### **Relevant Planning History**

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 the impact it would have on the character and appearance of the street scene and the amenity and privacy enjoyed by the occupiers of neighbouring properties. Consideration should also be given to the impact the proposal would have on the setting of the Listed windmill.

#### Character and appearance

The proposed dwellings will not appear incongruous in the street scene due to their location on a parcel of land between the properties on Longmead Road and Dolphin Court Road. As a result of their siting they 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. It is considered that the properties, due to their size, siting and design would be acceptable additions to the area.

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

#### Impact on adjacent Listed Windmill

The Listed windmill is not to be demolished and is not part of this application, as stated in some of the letters of objection received.

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

o 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.

o 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 unsympathetic 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 has been revised during negotiations and now, subject to the removal/relocation of the conservatory to the side facing the windmill, the scheme is considered to preserve the setting of the windmill.

#### Impact on neighbouring living conditions

The revised plans have taken into consideration privacy issues and the Juliet balconies proposed on the plot closest to 73 Longmead Road have been replaced by dormer windows. The driveway and garage located close to this property has also been replaced with the garage relocated to the opposite elevation and the driveway maintained as a garden. Although the proposed dwellings are likely to result in some over-looking of garden areas, which does not exist at present, it is considered that this relationship is not uncommon in the area and is an acceptable one.

#### 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 addition, the application has been assessed against the adopted Council Report 'Third Party Contributions towards the South Devon Link Road', which seeks contributions towards funding the South Devon Link Road (SDLR) where new development impacts on, or contributes to the need for the SDLR. The SPD will be updated again shortly to reflect the content of this report.

A calculation of the contribution, based on the size of the two proposed dwellings is provided below:

Planning Contributions Summary	Contribution	Early Payment
Waste Management Sustainable Transport	£100.00 £6,735.00	£95.00 £6,398.25
Stronger Communities	£0.00	£0.00

Education Lifelong Learning Greenspace & Recreation South Devon Link Road	£2,835.00 £455.00 £4,255.00 £1,940.00	£2,693.25 £432.25 £4,042.25 £1,843.00
Total	£16,320.00	£15,504.00
Administration charge (5%)	£816.00	£775.20
Total with Admin Charge	£17,136.00	£16,279.20

However this total must be mitigated due to the impact of the existing dwelling. The contribution for the existing is provided below:

Planning Contributions Summary	Contribution	Early Payment
Waste Management Sustainable Transport Stronger Communities Education Lifelong Learning Greenspace & Recreation South Devon Link Road	£50.00 £2,527.25 £0.00 £1,057.25 £227.25 £2,187.25 £731.00	£47.50 £2,400.89 £0.00 £1,004.39 £215.89 £2,077.89 £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

This results in a contribution of £10,017.00 via a section 106 agreement or £9516.15 to be paid via and upfront payment or unilateral undertaking.

#### Conclusions

The proposed development is considered to be appropriate for planning approval, 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, subject to the removal/relocation of the side conservatory, preserve the setting of the adjacent Windmill.

#### Condition(s)/Reason(s)

01. The development hereby approved shall not commence until 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; The building shall not be occupied until it has been completed in accordance with these details.

Reason: To ensure that the architectural detailing of the development is completed to a satisfactory standard and to preserve the character of the area and in particular the setting of the adjacent listed building. In accordance with policies BES, BE1 and BE6 of the saved adopted Torbay Local Plan 1995-2011.

02. No development shall take place until there has been submitted to and approved 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 buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the area and in accordance with policies BES \_ BE1 of the saved adopted Torbay Local Plan 1995-2011.

03. 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 0.S. datum off site.

Reason: In the interests of the amenities of the area and in order to comply with policies BES, BE1 & BE6 of the saved adopted Torbay Local Plan 1995-2011.

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development within Part 1, Class A, B, C, or E shall be carried out without prior consent being obtained by the Local Planning Authority.

Reason: In the interests of the amenities of the area and to protect the setting of the adjacent listed building, in accordance with the requirements of policies BES, BE1 & BE6 of the saved adopted Torbay Local Plan 1995-2011.

#### **Relevant Policies**

BES - Built environment strategy

BE1 - Design of new development

BE6 - Development affecting listed buildings

### Agenda Item 8

#### **Application Number**

#### Site Address

P/2013/0572

Land Adjacent To The A385 Totnes Road Collaton St Mary Devon N/A

**Case Officer** 

Ward

Mr Alistair Wagstaff

Blatchcombe

#### **Description**

Outline application for proposed residential development (up to 175 units) and associated development including provision of open space, landscaping, ponds and other associated development. All matters reserved for further consideration except access. This is a departure from the Local Plan.

#### **Executive Summary/Key Outcomes**

The application is submitted in outline, and is for up to 175 residential units. The only matter for detailed consideration is access, all other matters are reserved. The two proposed access points are both located approximately a quarter of the way in to the site along Totnes road.

The site is not allocated for the development in the Torbay Local Plan 1995-2011 and as such the application is treated as a departure from the Torbay Local Plan 1995-2011.

The principle of the development of this site has not been convincingly presented by the applicant and they have not satisfactorily demonstrated how development of this site would make a positive contribution to the character of the area, the role in the way in which the site would function within the area, and how it would contribute to the long term opportunity to meet the needs of the community.

Furthermore, the development will not read as part of the wider landscape character, which includes the physical form of the village and will instead appear as a standalone development poorly relating to the wider context. It will also have a detrimental impact on the visual amenities of the area, intruding into the existing settlement form and landscape and harming wider views from both sides of the valley and on approach along the A385.

It will also, through the urbanisation of the area including the traffic management measures required to facilitate the development, extend out the perceived urban / suburban entrance / gateway to Paignton beyond Collaton St. Mary to the edges of this site.

There are a number of other areas of concern in respect of the impact of the scheme on the free flow of traffic on the Totnes Road A385, the adequacy of the flood elevation measures proposed, the impact the scheme will have on protected species (bats) from light spillage and, it is not established that the development would result in a net gain in biodiversity.

As submitted the proposed development is therefore contrary to paragraphs 9, 10, 14, 17, 32, 34, 49, 56, 57, 58, 60, 61, 64, 99, 100, 103, 109, 111, 118, 125, 129, 203 and 204 in the NPPF, which seek to make places better for people, and the objectives of policies HS, H2, H9, H10, LS, L2, L4, L8, L10, BES, BE1, BE2, TS, T1,T2, T18 of the Saved Adopted Torbay Local Plan 1995-2011. in that it would fail to deliver a sustainable form of development that would enhance the overall quality of the area.

#### Recommendation

Refusal, reasons specified at end of report.

#### **Statutory Determination Period**

This is a major outline planning application and the 13 week determination date expires on 31st August, as such it will be necessary for the committee to determine this application at the August committee in order to meet the statutory time period. The agent has stated that the developer is happy for the determination period to be extended by mutual consent, however, since officers are recommending refusal in principle, there is no apparent reason to delay determination in this case.

#### Site Details

The application site relates to a triangular shaped site of 7.22 hectares situated on the northern side of Totnes Road, west of Collaton St Mary CofE Primary School. The site is known locally as the 'car boot field'. The site is currently grassed and there are no buildings on it. The boundaries to the north east and north west follow existing hedgerows, which are quite clearly defined.

There is a single point of access to the site from Totnes Road situated fairly centrally along the length of this boundary. The boundary along Totnes Road comprises rusting estate railings with intermittent boundary hedges and trees. There are views across the site from Totnes Road. There is a grass verge along the boundary with Totnes Road and no pavement on the northern side of Totnes Road. There is a pavement along the southern side of the Totnes Road. The ground levels on the site slope downwards in both a northern and an eastern direction. There are extensive views from the site towards open countryside land to the north and east.

On the opposite side of Totnes Road there is existing residential development in a predominantly linear, ribbon form. However, this is generally set back from the road and the otherwise linear form is broken up by large trees and landscaping to the extent that this does not read in close or distant views as an urban edge. To the west of the site there is a camping and caravan park. To the north and east there is open countryside land.

In the Torbay Local Plan 1995-2011 the site and the land to the north and east is designated as Countryside Zone and Area of Great Landscape Value. A large proportion of the site is allocated for a proposed new cemetery.

The site is not allocated in the Torbay Local Plan 1995-2011 for residential use.

#### **Detailed Proposals**

The application is submitted in outline, and is for up to 175 residential units. The only

matter for detailed consideration is access, all other matters are reserved.

The two proposed access points are both located approximately a quarter of the way in to the site along Totnes road, the existing access point is not proposed to be used for vehicle access, it is however indicated to provide a potential pedestrian access. Two further pedestrian accesses are shown, one at the edge of the site to the western corner and one towards the easternmost point.

An indicative layout and details of the potential proposed development have been provided. This includes two elliptical areas of development with a central open area dividing them. At the bottom corner (North of this area) an area of open space is proposed which could include allotments and does include a pond (for flood elevation measures). At the top of the central open area (at the centre and south of the site) adjoining Totnes Road another area of public open space is proposed in the form of a local equipped area of play (LEAP) along with another pond and an access indicated to the school. A footpath/ cycleway is indicated running along the southern (Totnes road) boundary within the site.

#### **Summary Of Consultation Responses**

#### **Environment Agency**

Withdraw current objection, but wish to make the following comments.

- 1. Support the proposed drainage strategy as shown on drawing 1484/PDL/100
- 2. Various aspects of the proposal will have to be adopted and maintained for the lifetime of the development. The Council should be confident that sufficient funding and written assurances are given prior to determination of the application.
- 3. Advise that the Suds scheme be designed to accord to the requirements of The SUDS Manual CIRIA C697 dated 2007.
- 4. Advise that development proposals offer an opportunity to achieve an overall betterment in terms of reducing flood risk. The Suds scheme as outlined in WSP's FRA should help deliver this, but there may be other off site measures that would help reduce risks further and we advise that the Council considers them. For example you could seek a financial contribution towards the maintenance of the existing on-line attenuation area that is situated several hundred meters downstream of the site opposite Collaton Farm. Failure to maintain the existing on-line attenuation lagoon risks an increase in flood risk occurring downstream of the site.

#### **Natural England**

- 1. The application is in a key foraging area associated with Greater Horseshoe Bats, roosts and habitat and commuting routes, which are protected under the Habitats Regulations as part of the South Hams Special Area of Conservation (SAC). Advise that applicants provide further detail to demonstrate that the proposal will not lead to detrimental impacts upon foraging and commuting habitats. Ecological Impact Assessment of April 2013 needs to be amended to protect hedgerow buffer from detrimental light spillage, light levels should not exceed 0.5lux with 10 m wide hedge row buffer.
- 2. A Landscape and Ecological Management plan should be secured in perpetuity.
- 3. In relation to Bio diversity, the application may provide opportunity to incorporate features into the design which are beneficial to wildlife, the Council is reminded of the need to ensure net gain for biodiversity, the ecology assessment should

provide details in hectares of new/enhanced BAP Habitat with a management approach to ensure compliance with NPPF Planning layout should be revised with ecological input

## Strategic transportation

- 1. The additional junction will impact upon the free flow of traffic along Totnes Road, which is especially congested during August,
- 2. The Transport Assessment (TA) fails to justify the need for two access points,
- 3. An easterly access will promote more school traffic into the site adding significantly to the morning peak period which has not been modelled in the TA,
- 4. When the A385 is backed up, inappropriate rat running and speeding through the site by residents and non-residents alike could occur, as such we object to the proposal for two access points into the site.

## However, should this proposal be approved:

- A strip of land at the front of the site must be protected to future proof the area for improvements as outlined in the Local Transport Plan which could see a bus / HGV lane being provided,
- 2. A car club should be provided on site,
- 3. Advance discussions must occur to ensure the site layout is fit for purpose and to agree on Section 38 Agreement issues,
- 4. A S106 Contribution will be required beyond that stated in the Travel Plan (TP)
- 5. Implementation of a Travel Plan must be Conditional to any permission, including a £50,000 bond to cover costs this Authority may incur to address any shortfall the Applicant has in meeting its targets.
- 6. The current TP is not acceptable and targets must reflect the new Local Plan objective of achieving 30% of all trips by means other than alone in a car.
- 7. Road improvements outlined in Drawing No. 31484\_PHL-03 Rev B (July 13) including: Shared use path joining features at both ends of the site with additional signing and marking to enhance the drop kerbs shown on the opposite side of the carriageway, A central pedestrian refuge island and crossing point with associated markings on and off the carriageway at the bus stops, A right hand filter lane, central refuge island west of the site access, and associated highway markings and visibility improvements at both proposed accesses.

## **Arboricultural officer**

The site presently poses no arboricultural constraints internally, being entirely free of trees, hedges or significant shrub masses. The east and west boundaries are species rich and form significant landscape features contributing great visual amenity to the local, medium and wider landscape view receptors. The southern trees arise either from a linear adopted highways strip verge or abut or straddle the estate style fencing. The publically owned trees present good form, however the straddling trees have grown to encompass parts of the fencing giving rise to present and future management and safety issues. Consideration should be given to proactively managing this problem, possibly by phased removal and replacement as internal trees establish.

The indicative layout appears to address the constraints posed by the trees along the east and west boundaries, although garage blocks are sited close to the boundaries with potential root interactions. The southern boundary also appears to have been mindful of the trees constraints by siting dwellings towards road frontages away from present and future shade paths.

No overlay of the proposed layout has been included within the tree protection plan, this is contrary to B.S.5837 2012 Trees in Relation to Design Section 5.2.1. Given the size, visual importance and quality of the bounding tree and hedge stock this would ordinarily be expected to allow informed advice to the applicant, therefore my comments should be read being mindful of this lack of detail.

The internal landscape (trees) treatment will need to be of an exemplary quality of carefully selected trees that serve to integrate the scheme into the AGLV it sits within, to create an immediate sense of place.

Given the landscape scale importance a pre-commencement condition is recommended to ensure that all possible planting be undertaken prior to commencement of the development to allow rapid integration into the wider landscape.

The revised planting layout indicates a formal arrangement of trees, this should be avoided by way of group formation and the staggering and alternate planting of trees.

Importantly, the density of trees planted within the residential areas is low and will leave the massing of the new houses readily visible to external view receptors and to aspects within the site.

A S106 contribution would be required as the area is lacking any significant public facilities/space. We would require more details of the scheme before we could offer further detail however any contribution would either be useful for providing dedicated public space for potential open green space/play/fitness opportunities within the proposed site; or alternatively to provide these facilities in the Collaton St Mary area.

# Police Architectural Liaison

Support reference to designing out crime, need to ensure security, development should be built to Secure by Design standard, need to consider at detailed design stage; permeability, landscaping, car parking, communal areas, dwelling boundaries, and dwelling position

## **Affordable Housing Team**

30% affordable housing should be provided on site, currently the scheme proposes 10% without justification.

Torbay has a high need for affordable homes, our Housing Needs Survey shows demand across the spectrum of house sizes and the Housing Market Assessment indicates a high need for all house types in Torbay with a particular need for affordable rented accommodation. The housing waiting list figures support this. As of 2nd July, there were 3054 households on the waiting list for rented accommodation and 363 households on the South West Homes waiting list for shared ownership accommodation.

To date we have received insufficient information as to why this scheme is unable to provide the affordable housing policy requirement. If we were to receive evidence to justify a reduction in the provision of affordable housing, we would consider this on its merit and review the scheme accordingly. However without this information we are unable to support this application and must recommended that the planning application is refused.

#### Conservation

This area has a number of important buildings. St Mary's Church to the east of the site is listed at grade II\* and has a grave yard that slopes steeply in the grounds of the church overlooking the site. The church lych-gate and 2 memorials are also listed at grade II. Either side of the church, the Old Vicarage and the former school rooms are listed at grade II To the south of this group are two thatched cottages listed at grade II. Finely to the west of the site is Blagdon Manor which is listed at grade II\* and its gate piers separately listed at grade II\*.

The policy framework is as follows: NPPF 128, 131, 132 BE6 Development affecting listed buildings

The only impacted Heritage Asset is the Church and particularly its grave yard. It is advised that the impact on the designated asset is low to medium. With careful design this could be mitigated, but based on the current scheme it is recommended that the application be refused.

#### **Engineering and Drainage**

The preliminary drainage strategy with Site Specific Flood Risk Assessment appear satisfactory, further detailed design works are required before surface water drainage can be approved.

Trial holes have been undertaken for infiltration testing for storage ponds and swale (designed 1 in 100 year Storm event = allowance for climate change). Further information will be required to ensure design of the surface water drainage scheme is appropriate for the site.

Surface water discharging into ponds should be designed to ensure no flooding to properties for critical 1 in 100 year design event plus allowance for climate change, the developer must demonstrate how floodwater/overland flow will be dealt with, this information is required to be submitted.

It is noted that Torbay Council have an identified flood alleviation scheme downstream on Yalberton water course (identified in EA medium term financial plan). As surface water run of from the development will discharge in to this watercourse a contribution to funding the scheme should be secured by 106.

#### **Ecological Consultants Response**

The application is unlikely to have an adverse effect on the integrity of the South Hams SAC and in particular the Berry Head Roost.

However, drawing attention to the note at the end of Section 11 of the HRA screening report, this explains that while the impact may not be so great as to affect the SAC, there may still be more localised impacts on 'local' bats that have not yet been adequately mitigated through the information provided with the application. It will be necessary to ensure that the LPA has discharged its duty to protect European Protected Species in more general terms that are protected under Regulation 41 of the Habitat Regulations.

# Landscape officer

The proposed development would have a significant adverse impact on the character of the site and the rural setting of the village. The development would be very apparent in key views from the A385 approaches to east and west, from the church and from elevated viewpoints to the north and northwest. In views from the north, the site is seen within a strongly rural context and urban development would appear incongruous.

The development would not relate well to the existing village, which is sited within the folds of the valley on lower ground. It would not conserve or enhance the character of the valley but would introduce an urban development into the rural landscape.

The requirements for vehicular access and potentially road widening along the A385 are likely to lead to the urbanising of this road. The vegetation along this boundary is in many places poor and would require removal, opening up views to the new properties where there are currently views across the valley and to the church.

Whilst local landscape area 1L Blagdon Barton is recognised as being less sensitive overall, the degree of change proposed on this site cannot be successfully accommodated without harm and would not contribute to a gateway and sense of arrival to Torbay in a positive way. The proposal is not considered acceptable in landscape terms and is not supported.

# **Summary Of Representations**

In excess of 115 representations have been received to date, the majority of these are objections to the application. Copies of the representations have been reproduced and circulated to the Members.

Representations on behalf of community groups have been received from the Collaton Defence league, Stoke Gabriel low-e, Governors of Collaton St Mary Primary School, Stoke Gabriel Parish Council, Torbay Green Party, Paignton Heritage Society, Paignton Neighbourhood Forum.

The points made in objection to the application include the following:

- This is a greenfield site, brownfield sites should be developed first
- Land borders a flood plain, rainwater runoff will impact on the flow of Yalberton Stream
- Application is premature of the emerging local and neighbourhood plan and a departure from the current local plan
- Inadequate sewerage system and impact on sewage system/capacity
- Increase in traffic and congestion, impact on highway safety, impact on key junctions
- Disrupt natural wildlife and habitat
- Would totally spoil an area of great landscape value and natural beauty
- The village school and surrounding schools cannot support another new housing estate
- Application does not comply with requirements of NPPF
- Torbay requires additional employment opportunities and improved infrastructure before additional housing
- Same impact as previous scheme/scheme does not overcome the previous reasons for refusal
- Ground stability
- Noise, light and air pollution
- Loss of grade 2 agricultural land

- Impact on character of Collaton St. Mary
- Torbay has 5 year housing land supply
- Impacts on traffic and business in Stoke Gabriel
- Requires widening of Totnes road, impact on gateway between Totnes and Torbay
- Lack of local facilities and services
- Impact of construction process on school activities
- Loss of potential cemetery location
- Conflict with Local Plan policies
- Impact on wildlife and habitats
- Suburban development in rural location, urban sprawl and unsustainable development
- Impact on chicken farm on neighbouring site
- Impact on neighbouring and surrounding holiday uses
- Lack of consultation time on application
- Application should require EIA, Council should have required an EIA.

The Neighbourhood Forum has specifically commented that it is currently working with the Council to develop a mechanism and supply of sites that can adjust to the significant changes in requirement that will continue to be experienced. For Collaton St Mary, if and when any further land is required, the assessment so far made by the Forum would be to develop the village on the south side of the A385 by gradual stages, not the north side as proposed in the application.

The Forum also supports the priority to make use of brownfield land within Collaton St Mary and Paignton before Greenfield.

The small number of letters in support of the application cite the following benefits of the scheme:

- The area is ideal for development with links to Totnes and Paignton
- All refusal reasons have been overcome
- Growth and housing is needed
- Government are supporting such schemes
- Help young families get on property ladder
- Help start growth of Paignton
- Small development is better than significant growth.

## **Relevant Planning History**

P/2012/1037 Development to include 197 residential units, a local centre building (ground floor only) comprising Use Class A1 floor space of 460sqm new vehicular access to Totnes Road, internal road layout, car parking, open space, landscaping, ponds, services and infrastructure and all other associated development. Refused

#### Refusal Reasons:

01. The proposal demonstrates a failure to consider the wider rural, high quality landscape setting of the village and the application site and the long term opportunity in the area to deliver a planned organic and sustainable form of development that would improve

opportunities for the community in terms of quality of housing, job opportunities, recreation, leisure and community facilities. This proposal brings forward the piecemeal development of this site without an overall understanding of how it would contribute to delivering a robust and comprehensive growth strategy for the area. The proposal would fail to deliver an integrated organic extension of the village and would result in community facilities sited in a remote location in comparison with the hub of the village that is centred around the school and church and as such would encourage car borne activity. As such, the development is not considered to be sustainable, being contrary to paragraphs 56, 57, 58, and 61 in the NPPF, which seek to make places better for people.

- 02. The proposed development by reason of its design and layout would fail to deliver a sustainable form of development that would integrate effectively with the historic form of the adjoining village and the natural environmental features of the site and surrounding area. The proposal comprises a suburban form and vernacular that would be indistinct in its origins and would fail to respect the 'edge of settlement' rural character of the site and would fail to provide a high quality development that would improve the quality of the area and the way in which it functions. As such the proposal would fail to meet the objectives of Policies H2, H9, H10, BES and BE1 in the Torbay Local Plan 1995-2011 and paragraphs 56, 60, 61, 64 and 66 of the NPPF, which seek to ensure that new development is sustainable and will positively enhance the built environment, maintaining the integrity of local character and distinctiveness.
- O3. This undeveloped Greenfield site is designated as being within an Area of Great Landscape Value and part of the Countryside Zone in the saved adopted Torbay Local Plan. The site is on the edge of Collaton St Mary and forms part of an attractive rural valley with a high landscape value. It has an important role in the transition between the open countryside and the urban edge of Paignton and it makes a valuable contribution to local and wider landscape views.

Within Areas of Great Landscape Value such as this, Local Plan policy L2 requires development to maintain or enhance the special character of the area. Policy L4 resists inappropriate development that would lead to the loss of open countryside and the creation of urban sprawl. The proposed development, by reason of its suburban character and form, which is derived from entire site coverage with rows of houses across the hillside, would result in an orderly form of development with an urban character. This would fail to respect the rural setting of the site and to relate sensitively to the wider landscape setting and as such would be contrary to the provisions of policies LS, L2 and L4 of the saved

adopted Torbay Local Plan (1995-2011).

04. In the absence of a signed legal agreement under Section 106 of the Town and Country Act 1990 (as amended), the applicant has failed to satisfy the sustainability aims of Policies H6 and CF6 and the Council's SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" to secure the delivery of affordable housing and physical, social and community infrastructure necessary to make the development acceptable in planning terms. Furthermore, a lack of a s106 agreement also incurs an absence of ability to secure an enhancement to biodiversity. The Local Planning Authority considers that it would be inappropriate to secure the required obligations and contributions by any method other than a legal agreement and the proposal is therefore contrary to Policies H6, CF6, NCS and NC5 of the Torbay Local Plan 1995-2011 and paragraph 206 of the NPPF.

There have been no other recent relevant planning applications in the recent past on this site. Collaton St Mary Residents Association has noted a history of planning applications from the 1960s. Due to the time since these were determined and the changes in policy and legislation that have taken place it is not considered that these have sufficient weight to be material to the determination of this application.

The following application relating to land adjacent to the North East boundary of the site is relevant:

P/2012/0865 Formation of phase 1 unit for poultry breeding unit with vehicular access and parking, Long Meadow, Blagdon Road –Approved 19.04.2013

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

The Application is submitted in outline, and is for up to 175 residential units. The only matter to be considered in detail is access. All other matters are reserved. An indicative layout and details of the potential proposed development have been provided.

Some of the content, for example flood alleviation measures, are essential for the development to be acceptable, others could be dealt with by condition, were the development deemed to be acceptable. Further elements could also be secured through a 106 agreement particularly where these are site acceptability issues. The vast majority of elements of the proposed layout are purely indicative and, were the application approved, these would be for consideration at the reserved matters application stage.

The consideration of the application, therefore, focuses specifically on the principle of development on the site, the impacts of development on the site and the acceptability and impact of the accesses proposed.

#### **Principle and Planning Policy -**

This site is not allocated in the plan for residential use and has been advertised as a departure from the Torbay Local Plan 1995-2011. It is designated as Countryside Zone and Area of Great Landscape Value in the plan. Policies L2 and L4 are applicable to

these designations. These policies seek to maintain or enhance the special landscape character of the area and to safeguard Torbay from further urban sprawl.

Part of the site is also allocated in the Torbay Local Plan 1995-2011 for use as a cemetery. This policy is relevant to the determination of the application, although it would carry little weight as a reason to refuse the application, since it has not come forward in the plan period. The ownership of the land is outside the Council's control and it would be inappropriate for the use as a cemetery to be imposed on the land solely due to designation in the Local Plan. There is no evidence that the Council or any other organisation is seeking to implement this use in the near future, and it is feasible that an alternative site could be found. Therefore it would not be necessary for this land to be protected exclusively for this use. Consequently there would be no objection to the principle of an alternative use of this land, provided it was compatible with the remaining policies in the development plan and with the NPPF.

The application site was promoted to the 2013 SHLAA refresh (site T720) and assessed as having capacity for 150 dwellings post 2023. The SHLAA notes biodiversity and possible flooding issues that would need to be addressed (and which may affect the presumption in favour of sustainable development, as per footnote 9 of the NPPF). The SHLAA notes that development would need to come forward as part of a wider masterplan that ensured the provision of community facilities and alleviation of infrastructure and other issues. The SHLAA is an independent consultant's report and part of the evidence base behind the emerging Local Plan, it is not council policy and there is no automatic presumption that sites considered in the SHLAA will be promoted for development through the Local or Neighbourhood Plan.

It is also relevant, in terms of matters of principle, to consider the issue of the Council's 5 year supply of housing land and whether it can be demonstrated that there is an adequate supply. In accordance with para 49 of the NPPF, if the Council is unable to identify a supply of sufficient specific deliverable sites then housing policies in the Local Plan (which include allocations) should not be considered up to date.

The applicant has submitted that the Council does not have a tested position in relation to 5 year supply, having had two recent appeal decisions confirm a lack of supply. However, on the basis of the latest evidence, including evidence in support of the emerging Local Plan and including the (2011 based) DCLG Projections, the Council has determined that it has a 5 Year supply of specific deliverable sites for housing in Torbay.

The council updated its 5 year supply position in July 2013 as part of the Annual Housing Monitor and Strategic Housing Land Availability Assessment (SHLAA) refresh. It is now considered that there is sufficient land to deliver 2779 houses over the next 5 years. This is equal to 6.02 years supply.

Policy HS of the Local Plan identifies a sequential approach to the delivery of housing and a target of 65% for housing development on brownfield sites. Policy H1 in the Torbay Local Plan 1995-2011 states that "permission will not be granted for housing on any large greenfield sites other than those identified". The explanation to Policy H2 states that "unallocated greenfield housing sites of more than 1.4ha/1 acres will not be approved, as set out in Policy H1".

The restrictive approach set out in these Local Plan policies is not consistent with the

objectives of the NPPF, which has at its heart a 'presumption in favour of sustainable development'. However, the policy emphasis to promoted brownfield land first for new development is consistent with the objectives of delivering development in a sustainable way and this is also compliant with para 111 of the NPPF.

Notwithstanding that the Council do consider it has a 5 year housing land supply and considers this site to be less sustainable than allocated and brownfield alternatives, in the light of the NPPF the Council needs to consider the principle of development on the site and make an assessment of whether the proposal would constitute a sustainable form of development. Policy H2 contains a number of development management criteria to assess the proposal against, in order to secure a sustainable development. Policies H9 and H10 which relate to layout, design, community aspects and housing densities are also relevant.

Although it is at an embryonic stage and carries little weight before the submission and adoption version, the Draft New Local Plan (A Landscape for Success) included the potential for development in Collaton St Mary in the future. However, the area identified is significantly greater than just the application site and is clearly a broad brush signifier of potential growth as opposed to a site allocations plan at this stage.

It is also important to note in the consideration of this application that the development could provide a substantial amount of much needed housing. This would be a significant gain in terms of the supply of housing in Torbay and must be weighed in favour of the development. However, the supply of affordable housing will not be substantially boosted as a result of approving this development, since the application only proposes 10% affordable housing, which falls well below the Council's policy and objectively assessed need.

The applicant has submitted a proposed heads of terms and confirmed their commitment to providing 106 contributions towards Education, Green Space and Recreation, Sustainable Development Contributions, Libraries, Waste Management to help mitigate the impacts of the development on the surrounding infrastructure.

In conclusion, it is considered that in order to provide a sustainable form of development that would meet the needs of the community it would be necessary for the whole area to be subject to a masterplan and planning framework that would promote the organic growth of the existing settlement. Future development in this village location, should be developed in a way which that responds to the Landscape Character of the area and should secure the delivery of a sustainable expansion which should include not just housing, but also jobs, retail, community facilities and recreation space.

By allowing the piecemeal development of this site at this time, the development would prejudice the opportunity to deliver an integrated well planned and thought out sustainable form of development for the entire area.

## **Design and Layout-**

This application is in outline, with the only matter for detailed consideration being access, all other matters are reserved. As such detailed consideration of the layout and indicative street scenes is not relevant to the determination of this application.

It is noted that the proposals shown are a substantive change from the previous scheme

in relation to the form of development and treatment/ design of the dwellings. However, the view taken on the previous application regarding the site appearing insular to its constraints and opportunities are still relevant.

Notwithstanding the changes made, the indicative scheme is still considered not to integrate well into the surrounding context.

## Highways -

The scheme proposes two vehicular access points, both are located approximately a quarter of the way into the site along Totnes road. The existing access point is not proposed to be used for vehicle access, it is however indicated to provide a potential pedestrian access. Two further pedestrian accesses are shown one at the edge of the site to the western corner of the site and one towards the eastern point. Both of the vehicular access points will have dedicated right hand turn lanes.

The previous scheme included only one highway access and was concluded to be acceptable in highways terms. This scheme, with two highways junctions raises a number of substantive concerns. Firstly, the implications of the additional junction will impact on the free flow of traffic along the Totnes Road, part of the Major Road network. This is contrary to policy T18, which seeks to ensure that new accesses on to the route do not reduce road safety or detract from or conflict with the function of the route. Highways and Sustainable Transport have identified that this issue will be most significant during August with the influx of visitors to the area. There has been no justification in highways terms of the requirement for two access points.

The provision of the two access points also raises further concerns. The Easterly access will promote more school traffic in to the site as parents look for a safe drop off point for children at the start of the school day. The impacts of this have not been modelled by the applicant. There is the potential for this to increase the use of this access point during busy periods, disrupting the free flow of traffic along the Totnes Road as well as causing traffic management problem within the site.

There is also concern that the provision of two access point will lead to rat running through the site when traffic along the Totnes Road particularly when the Totnes Road is backed up. This will add to congestion, raising concerns over road safety within the site.

#### Accessibility -

There are 5 pedestrian access points into the scheme from Totnes Road, three of these are also cycle access points, these are located at the two ends of the site on Totnes Road and another where the current vehicle access is central to the site. The pedestrian crossings with central reservations are adjacent to the vehicle access points with central reservations. There will also be an additional central reservation at the central access point. In this location access to the existing bus stop is proposed as well as a new bus stop to serve the development.

While the scheme is in outline there is a proposed cycle access shown set within the site adjacent to the Totnes Road. An additional access point is proposed between the site and the school. While from an accessibility and permeability point of view the number of access is a positive aspect of the scheme, in combination with the traffic management measures the proliferation of accesses raises concern over the alterations to the character of the road and its resultant urbanisation.

The scheme provides good opportunities for pedestrian and cycle access as well as easy accessibility to public transport, however, the site is not within easy reach of local shopping / servicing facilities and as such its development on a piecemeal basis in the absence of the provision of community facilities, jobs and other services will encourage further car born journeys.

The current Travel plan which has been submitted does not properly reflect a strong desire to achieve a substantive increase in trips by means other than by car. These points raise concern over the sustainability of the scheme and reflect its location in the countryside, rather than being integrated as part of the sustainable organic expansion of the village.

#### Flood Risk and Drainage -

On the Environment Agency's indicative flood risk map the application site is within Flood Zone Risk 1 (low risk). In accordance with the Technical Guidance to the NPPF, residential dwellings are considered to be 'More Vulnerable'. However the proposed dwellings are not within flood risk zone 3 - high risk or flood risk zone 2- medium risk and, therefore the Technical Guidance to the NPPF concludes that residential use is potentially suitable for this site in flood risk terms.

The EA have identified their support the proposed drainage strategy provided and identify that aspects of the proposal will have to be adopted and maintained for the lifetime of the development and the Council should be confident that sufficient funding and written assurances are given prior to determination of the application and that the development proposals offer an opportunity to achieve an overall betterment in terms of reducing flood risk.

In relation to SUDS the EA have advised that Suds scheme should be designed to accord to the requirements of The SUDS Manual CIRIA C697 dated 2007 and that he Suds scheme as outlined in WSP's FRA should help deliver this.

The EA have also identified that Council could seek could seek a financial contribution towards the maintenance of the existing on-line attenuation area. The Council Engineering team have considered this and advised that a 106 contribution be required to support this infrastructure to mitigate the impacts of the development.

The Council's Engineering team have also identified that the proposed drainage strategy appears satisfactory. They have however identified that further detail design work and technical information in relation to the surface water drainage system and its capacity to deal with a critical 1 in 100 year design storm event plus allowance for climate change.

A consultation response has not been received from southwest water, however, in relation to the previous application last year they raised no objection to the proposal. They did, however, advise that there is a public water main that runs through the site. The applicant has previously advised that it would be their intention to divert this main.

In principle, the conclusion on flooding and drainage is that the drainage strategy proposed has the potential to be successful. However, at present there is insufficient information to ensure is satisfactory and would not lead to an increase in flooding in the area downstream. This is combined with the current lack of improvements put forward

to the flooding downstream, consistent with the objectives of para 99, 100 and 103 of the NPPF.

# **Ecology** -

An Ecological Impact Assessment has been submitted in support of the application. This identifies that the application site does not lie within or adjacent to any designated site of nature conservation value. No statutory designated sites of nature conservation value lie within the 2km study area.

Twenty non-statutory designated sites of nature conservation value lie within 2km of the site. The closest is the Ramshill County Wildlife Site which lies approximately 1km north of the site. There is one European designated site within 10km of the development at Berry Head. Berry Head Special Area of Conservation (SAC) is a component of the South Hams SAC and is located to the southeast of the site, approximately 8.3km at its nearest point. The South Hams SAC is designated for its importance to Greater Horseshoe Bats and although the site is not within the SAC, it does lie within a Greater Horseshoe bat Sustenance Zone and partially within a greater horseshoe bat Strategic Flyway, as designated by Natural England. These sustenance zones and flyways comprise key foraging areas and movement corridors for greater horseshoe bats within the South Hams SAC. It is necessary for the applicant to demonstrate that development within these zones and flyways will not lead to significant adverse effects on the integrity of the SAC.

In order to manage the habitats on the site during the pre construction, construction and post construction phases a Landscape and Ecological Management Plan is proposed to be produced and agreed with the Council. This would contain measures for mitigation and enhancement on the site. To reflect permanent impacts associated with the development, the Landscape and Ecological Management Plan will be required to be secured in perpetuity.

The Council has a duty to secure a net gain for bio diversity as part of the scheme, the Councils approach is to evaluate and calculate the loss of bio diversity resultant from the scheme and then evaluate and calculate the gains provided by the scheme. This will arrive at a level of +/- in relation to bio diversity. A net gain would then be negotiated through a range of measures that will be required. These would then be controlled through a 106 requirement.

As yet a consultation response from RSPB has not been received, this will be reported verbally at committee.

The Council has screened the application under the Habitats Regulations 2010. It concludes that, in the event that the appropriate measures are secured through planning conditions and clauses in a S106 agreement, then this proposal will not have a Likely Significant Effect (alone or in combination) on the integrity of the South Hams Greater Horseshoe Bat Special Area of Conservation.

Notwithstanding the screening opinion, there are still local ecological issue relevant to the determination of the application.

Natural England have advised that the applicant needs to provide further detailed information to demonstrate that the proposals will not lead to detrimental impacts upon

foraging and commuting habitats of bats. In particular, that the Ecological Impact Assessment (EAD Ltd, April 2013) needs to be amended to protect the hedgerow buffer from detrimental light spillage. To ensure that light conditions do not disturb greater horseshoe bats, light levels should not exceed 0.5 lux within the 10 metre wide hedgerow buffer.

The Ecological Impact Assessment submitted does however establish that 0.5 lux would not be exceeded at the hedgerow, it is clear given the outline nature of the scheme that a 10m buffer could be provided as part of a detailed layout at reserved matters stage.

There is a concern, based upon the information submitted, that while lighting levels on site would be controlled there is potential that the use of the site by motor vehicles would lead to light spillage into hedgerow areas from their headlights. This could cause a negative impact on all species of bat using and traversing the Northern hedgerow area.

In the previous application a 2 metre high close boarded fence was proposed to be installed between the residential development and the wildlife corridor along the north boundaries to restrict usage by the public and restrict light spill. This is not shown on the indicative layout.

Without information concerning how this issue is to be addressed the, Council cannot positively determine the application, as it is required to protect European Protected Species in this case bats that are protected under Regulation 41 of the Habitats Regulations.

## Landscape and visual impact -

In the 'Torbay Landscape Character Assessment' the application site is within LCT Type 1 Rolling Farmland, which is subdivided into a number of areas. The subdivided category is defined as 1L Blagdon Barton. This category is assessed as being 'less sensitive' and can accommodate change to rationalise the existing scattered land uses and contribute to a gateway and sense of arrival to Torbay. There are no statutory designations relating to the site. It is locally designated as an 'Area of Great Landscape Value' and 'Countryside Zone' in the Torbay Local Plan 1995-2011. The site predominantly consists of pasture with some peripheral vegetation and semi mature trees

A Landscape and Visual Impact assessment has been provided with the application it identifies landscape and visual impacts and mitigation measures. The applicant contends that the impacts of the development are not so substantive that they cannot be overcome through suitable landscaping. This differs from the opinion of the Landscape officer.

The Landscape and Visual Assessment in support of the application notes that the visibility of the application site is principally restricted by three factors; 1) the lower valley location of the site and surrounding undulating and sloping terrain, 2) the existing mature tree groups and hedgerows within and surrounding the application site and 3) the surrounding built development of Collaton St Mary and Tweenaways to the south and east.

It is identified that those parts of the surrounding landscape likely to be sensitive to the proposed development are:

- Visitors to St Mary's Church
- Residential properties on Totnes Road
- Residential properties on St Mary's Park Road to the south
- Residents of Lower Blagdon
- Users of the adjacent holiday park.

The Landscape and Visual Assessment submitted states that due to the undulating topography of the application site combined with the surrounding higher topography and vegetated ridges, there are very few direct views of the application site from the surrounding settlements and footpaths. It also intimates that the new residential units and highway will be assimilated into the landscape.

The applicant proposes a wide range of measure to mitigate the impacts of the development. This includes improvements to the existing hedgerow vegetation and provision of landscape reinforcement through tree planting, additional street trees, the communal orchard and landscape open space. The applicant maintains that this would soften views of the development and assimilate it into the landscape.

The applicant therefore predicts that the residual landscape impacts are predominantly localised in scale and restricted to the application site and adjacent residential areas. They assess that once the proposed development is complete there will be a localised change to the land use and marginal change in landscape character. It is purported that key characteristics of the Landscape Character Type and the Area of Local Character will not be altered and the proposed development will contribute to the 'variable character' and become part of the 'fragmented and urbanised' landscape.

The conclusions in the Landscape and Visual Assessment are not accepted.

This site forms part of a largely undeveloped rolling valley of significant landscape quality. It is steeply sloping open grassland which forms part of an attractive rural valley and forms part of the edge of the village of Collaton St Mary. The site forms an important part of the rural setting of the village and its historic centre, including the church. The site is seen in views approaching the village from the east along the A385, on the approach to the village from the west along the A385 and from the churchyard. The site is also widely visible along the edge of the site along A385.

It is noted that a range of landscape enhancement measures and planting are proposed which is a benefit to and will enhance the scheme. However the implications of the proposed development will, even with the mitigation proposed, substantially alter and affect the character of the area and how it is perceived. This is specifically important in the approach to the village from the east along the A385, from the churchyard of the grade 2\* Listed Church and on the approach to the village from the west along the A385 as well as from more limited long distance views. The impact will be substantial, introducing a more urban form of development in to an area which currently forms a key role as the rural back drop and setting of the village of Collaton St. Mary.

When the site is viewed along Totnes Road there are key views across the site. These views are outstanding across to the other undeveloped slope within the valley, which helps form the wider rural character of the area before entering the Village and then on to the urban area of Paignton. There are also from this location long distance dramatic

views up to the higher ground of Beacon Hill, development on this site would obscure these views.

It is also considered that the site is visible in long views from residential areas to the south and east, and that development on this site will represent a substantive change to the rural character of the area. Whilst there are some developments in the locality, these do not alter the prevailing rural character to the degree claimed by the applicant, as such the arguments of the applicant that this area is fragmented and urbanised are not accepted.

Development of the quantum proposed on this site will physically alter these vistas. From a number of vantage points at least roofscapes will be visible, but more likely given the indicative site layout, large expanses of dwellings will be visible from a range of viewpoints. Even with landscaping and mitigation measures, the site would appear as a suburban development imposed on to the landscape, poorly relating to the village and the wider landscape character of the area.

Collaton St. Mary, while in close proximity to Paignton, is a village in its own rights with its own distinct character which contributes to the wider landscape character. This character is typified in its layout, with the exception of the ribbon residential development on higher ground along Totnes Road adjacent to this site, the village's centre focuses in the lower fold of a valley and the associated housing has followed this pattern of development, hugging the bottoms of valley's emulating out from and connecting to the village centre. The most recent development of the new school complex follows this development pattern.

The potential development of this site contradicts this pattern, instead developing up the side of the valley, degrading the historic settlement form and altering the wider character of the village and its role in the wider landscape. While the exact form of development is yet to be determined there is a clear concern about the impact the piecemeal development of the site will have on the landscape character of the area.

This development will not read as part of the wider landscape character, which includes the physical form of the village and will instead appear as a standalone development poorly relating to the wider context.

It will also, through the urbanisation of the area including the traffic management measures required to facilitate the development, extend out the perceived urban/suburban entrance/gateway to Paignton beyond Collaton St. Mary to the edges of this site.

Policy L2 in the Torbay Local Plan 1995-2011 requires development within the Area of Great Landscape Value (AGLV) to maintain or enhance the special landscape character of the AGLV. Policy L8 seeks to protect features of significant landscape value. Para 109 of the NPPF identifies that the planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes. For the reasons identified above, it is not felt that development of this site would meet the requirements of these Local Plan policies or the guidance contained in the NPPF.

In particular, officers are of the view that a) any scope for development should be ascertained based on a more thorough consideration of the site within its wider context,

b) any development should form an organic extension of the existing village, c) any development should be part of a plan-led process of change in the area informed by the community and the local and neighbourhood planning process.

#### **Arboricultural matters**

The site presently poses no arboricultural constraints internally, being entirely free of trees, hedges or significant shrub masses. The indicative layout addresses the constraints posed by the trees along the east and west boundaries, which are species rich and form significant landscape features. While the arboricultural officer has identified that no overlay of the proposed layout has been included within the tree protection plan, given the outline nature of the scheme in this instance the information does enable the impact to be assessed. Given the primary constraints are on the boundaries of the site.

#### S106/CIL -

A Draft Heads of Terms has been submitted identifying a commitment to providing 106 contributions towards Education, Green Space and Recreation, Sustainable Transport, Lifelong learning and Waste Management to help mitigate the impacts of the development on the surrounding Infrastructure. There is also an offer of 10% of affordable housing.

No detail has been received regarding the proposed make up of the dwelling mix proposed on site. As an outline scheme the only information available is that the scheme will include up to 175 residential units. As such it is not possible to calculate the exact contribution required per dwelling at this stage. However, the applicant appears to commit to the payment of all sustainable development contributions at this stage.

In relation to the sustainable transport contribution, the sustainable transport team have advised that the following measures would be required to be funded as part of the sustainable transport contribution:

- 1. Provision of a shared use path on Totnes Road between Tweenaways and Bona Vista Holiday Village camp site, including a toucan facility at Tweenaways to link to the western corridor cycle network. This is additional to those routes shown on site plan, which will be built to adoptable highway standards, including coherent links into and out of the application site. £500,000
- 2. Provision of enhanced evening & weekend bus services serving the site including eastbound bus lane £40,000
- 3. A shared used path connection from the proposal site to Blagdon Road at the northern point of the site £15,000
- 4. A cycle shelter for 20 cycles, scooter parking for 36, and a separate pedestrian covered waiting area on the primary school site. £18,000
- 5. 20 additional covered secure cycle parking spaces for students at Paignton Community College £15,000
- 6. Contributions towards the SDLR/Western Corridor improvements to mitigate the impact of the extra trips that will be generated £300,000
- 7. Road improvements outlined in Drawing No. 31484\_PHL-03 Rev B (July 13) including:

Shared use path joining features at both ends of the site with additional signing and marking to enhance the drop kerbs shown on the opposite side of the

## carriageway

A central pedestrian refuge island and crossing point with associated markings on and off the carriageway at the bus stops

A right hand filter lane, central refuge island west of the site access, and associated highway markings and visibility improvements at both proposed accesses.

The following sustainable transport matters will also need to be included in the s106 obligation:

- 1. Safeguarding of strip of land at the front of the site for future improvements as outlined in the Local Transport Plan
- 2. Provision of Car club on site
- 3. £50,00 bond to cover potential shortfalls in implementation of Travel Plan.

Other matters that are required to be secured as part of the 106 Obligation include:

- A contribution towards the maintenance of the existing on-line attenuation areas and/or towards an identified new flood alleviation scheme downstream on Yalberton water course, opposite Collaton Farm Flood alleviation.
- Flood alleviation measures to be adopted and maintained for the lifetime of the development.
- The provision of a Landscape and Ecological Management Plan, secured in perpetuity.
- The provision of either dedicated public space for potential open green space/ play/fitness opportunities within the proposed site; or alternatively to provide these facilities in the Collaton St Mary area.
- Potential off-site biodiversity contribution, dependant on the conclusions of a +/- biodiversity calculation.
- The provision of 30% affordable housing of a type and tenure mix advised by the Council's Affordable housing team, without detailed information on the actual development amount and dwelling provision this amount cannot be established.

# **Conclusions**

Given the considerations set out above, the provision of new housing capable of being delivered by this application must be weighed against the delivery of sustainable development. In this case it is concluded that the proposed development would fail to meet the objectives of paras. 9,10, 14, 17, 32, 34, 49, 56, 57, 58, 60, 61, 64, 99, 100, 103, 109, 111, 118, 125, 129, 203, and 204 in the NPPF, which seek to make places better for people, and the objectives of policies HS, H2, H9, H10, LS, L2, L4, L8, L10, BES, BE1, BE2, TS, T1,T2, T18 of the Saved Adopted Torbay Local Plan 1995-2011.

The proposal would not deliver a high quality development that would make a positive

contribution to the quality of the area and effectively integrate into the natural and built environment. As such this would not result in a sustainable form of development.

The proposed residential development does not integrate into the existing settlement pattern. In addition, the scheme does not contribute to the long term objectives of delivering sustainable growth in the wider Collaton St. Mary area. The relationship to the surrounding area and high quality landscape setting is also not considered acceptable. Natural England have raised concerns about net biodiversity gain that have not been fully addressed.

There is concern over the implications of the scheme and the two access points proposed on the free flow of traffic along the A385 Totnes road part of the Major Road Network.

There is further concern that the use of the site by motor vehicles would lead to light spillage into hedgerow areas from their headlights. This could cause more light disturbance, which may result in increased disturbance to local wildlife likely to be moving along the existing boundary hedges and any new buffer strips.

Without information concerning how this issue is to be addressed the Council cannot positively determine the application as it is required to protect European Protected Species in this case bats that are protected under Regulation 41 of the Habitats Regulations.

Without further detail design work and technical information in relation to the surface water drainage system and its capacity to deal with a critical 1 in 100 year design storm event plus allowance for climate change. There is concern that the proposed drainage and flood elevation measures proposed will not ensure flood risk is not increased on site and further down the Yalberton Watercourse.

As such it is recommended that this application be refused.

#### Condition(s)/Reason(s)

01. The proposal demonstrates a failure to consider the wider rural, high quality landscape setting of the village in the context of the application site, and the long term opportunity in the area to deliver a planned organic and sustainable form of The scheme will result in an unsustainable, piecemeal development. development without either an overall understanding of how it would contribute to delivering a robust and comprehensive growth strategy for the area, or effectively integrate into the historic form of the village. The development also proposes the residential development of an unallocated greenfield site outside of the settlement boundary ahead of the development of deliverable previously developed (brownfield) sites, and as such is contrary to the Council's policy objectives in relation to the promotion of a target for the development of brownfield land. As such, the development is not considered to be sustainable, being contrary to paragraphs 9, 10, 14, 17, 32, 34, 49, 56, 57, 58, 60, 61, 64, 99, 100, 103, 109, 111, 118, 125, and 129 in the NPPF, which seek to make places better for people, and the objectives of policies HS, H2, H9, H10 BES, BE1, BE2, TS, T1 of the Saved Adopted Torbay Local Plan 1995-2011.

- 02. The site is on the edge of Collaton St Mary and forms part of an attractive rural valley with a high landscape value. It has an important role to play in the transition between the open countryside, the village, and the urban edge of Paignton, and it makes a valuable contribution to local and wider landscape character and views. The proposed development, by reason of its location, piecemeal development and insular approach to development of the site, fails to integrate into the existing historic settlement pattern of Collaton St. Mary, and does not function as an integrated organic extension of the village. The site is seen in views approaching the village and the site from the east along the A385, on the approach to the village from the west along the A385, and from the churchyard. The site is also widely visible along the edge of the site along the A385, as well as in longer distance views from either side of the valley. While the exact form of development is yet to be determined, the extent and type of development proposed will not read as part of the wider landscape character, it will instead appear as a standalone suburban development imposed on to the landscape, poorly relating to the wider context. Furthermore the urbanisation of the area, including the traffic management measures required to facilitate the development, will alter the rural character of the area, extending out the perceived entrance/ gateway to Paignton to beyond Collaton St. Mary and to the edges of this site. As such the development would be contrary paragraphs 14. 17, 58, 60, 61, 64, 109, 129 of the NPPF and to the provisions of policies LS, L2 and L4 of the saved adopted Torbay Local Plan (1995-2011).
- 03. The application does not adequately demonstrate that the development will not harm, either directly or indirectly, a protected species (Bats) through light spillage from motor vehicles using the site, causing a detrimental impact upon foraging and commuting habitats of bats. As such the development would fail to meet the objectives of policies, NCS and NC5 of the Saved Adopted Torbay Local Plan 1995-2011, the objectives of paragraphs 118 and 125 of the NPPF and the requirements of Regulation 41 of the Habitats Regulations.
- 04. Insufficient information has been provided to demonstrate that the drainage and flood alleviation measures proposed would not lead to an increase in flooding of the site and wider area. As such the development is not considered to meet the requirements of paragraphs 99, 100, and 103 of the NPPF.
- 05. In the absence of a signed legal agreement under Section 106 of the Town and Country Act 1990 (as amended), the applicant has failed to satisfy the sustainability aims of Policies H6 and CF6 and the Council's SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" to secure the delivery of affordable housing and physical, social and community infrastructure necessary to make the development acceptable in planning terms. Furthermore, a lack of a s106 agreement also incurs an absence of ability to secure an enhancement to biodiversity, attenuate for flood risk on site and downstream and secure landscape and ecological management of the site. The Local Planning Authority considers that it would be inappropriate to secure the required obligations and contributions by any method other than a legal agreement and the proposal is therefore contrary to Policies H6, CF6, NCS and NC5 of the Torbay Local Plan 1995-2011 and paragraph 203, 204, 109 of the NPPF.
- 06. The development through the provision of an additional two new highways

junctions will impede the free flow of traffic along the A385 Totnes road, contrary to policy T18, of the Saved Adopted Torbay Local Plan 1995-2011 which seeks to ensure that new accesses on to the major Road Network do not reduce road safety or detract from or conflict with the function of the route and the objectives of paragraphs 32 and 34 of the NPPF.

# Informative(s)

O1. In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order, 2010, as amended in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately considered. However having considered the principle of the development in this location, the potential impacts of the development and the requirements of the NPPF to deliver sustainable development the Local Planning Authority are unable to support the application and such have recommended the withdraw the application and that the applicant seek to work with the authority and the community over the potential for future development in the Collaton St. Mary area. This would be as part of discussions on the Local Plan, the Neighbourhood Plan and the master planning process for the future of Collaton St Mary.

# **Relevant Policies**

- HS Housing Strategy
- H2 New housing on unidentified sites
- H6 Affordable housing on unidentified sites
- H9 Layout, and design and community aspects
- H10 Housing densities
- H11 Open space requirements for new housing
- CFS Sustainable communities strategy
- CF6 Community infrastructure contributions
- LS Landscape strategy
- L2 Areas of Great Landscape Value
- L4 Countryside Zones
- L8 Protection of hedgerows, woodlands and o
- L9 Planting and retention of trees
- L10 Major development and landscaping
- NCS Nature conservation strategy
- NC2 Protected sites nationally important si
- NC5 Protected species
- EPS Environmental protection strategy
- EP1 Energy efficient design
- BES Built environment strategy
- BE1 Design of new development
- BE2 Landscaping and design
- T1 Development accessibility
- T2 Transport hierarchy
- T3 Cycling
- T25 Car parking in new development
- T26 Access from development on to the highwa

NPPF - National Planning Policy Framework T18 - Major Road Network H10 - Housing densities

# Agenda Item 9

<u>Application Number</u> <u>Site Address</u>

P/2013/0626 Roselands County Primary School

Lynmouth Avenue

Paignton Devon TQ4 7RQ

<u>Case Officer</u> <u>Ward</u>

Mr Alexis Moran Goodrington With Roselands

## **Description**

Extension of existing hardstanding school playground and erection of 2.4m boundary fence.

# **Executive Summary/Key Outcomes**

The application seeks permission for an extension to the existing playground at Roselands Primary School and the addition of a 2.4 metre high green weldmesh fence around the new playground.

The application has received no objections, however, it was considered appropriate to obtain a view from the Development Management Committee as a result of the interest shown in a similar scheme at Cockington Primary School.

The relationship of the proposal with adjacent residential properties is deemed to be acceptable due to its size and siting.

The proposal would lead to the loss of a small area of public open space, however, it would provide an improved facility for the school. The scheme also retains extensive suitable public open space in the surrounding area, therefore, the loss is considered be an acceptable one.

The application is deemed to be acceptable for planning approval.

## **Recommendation**

Approval

#### **Statutory Determination Period**

Eight weeks expires 21.08.2013

#### Site Details

Large modern primary school adjacent to a residential estate on three of its boundaries and the large area of Clennon Hill/Clennon Valley Urban Landscape Protection Area on its eastern boundary.

#### **Detailed Proposals**

The application seeks permission to extend the existing hardstanding school playground by 0.136 of a hectare in size. The new playground will be enclosed by a 2.4m green weld mesh boundary fence. The extension will take into the school play ground an area

of public open space within existing public play space next to an equipped park.

# **Summary Of Consultation Responses**

Natural England - No objection.

Sport England - No objection.

Drainage & Structures - No objection subject to the addition of conditions.

Environment Agency - Site is less than 1 hectare in area therefore applicant is advised to follow the Environment Agencies Best Practice Guidance.

# **Summary Of Representations**

None.

## **Relevant Planning History**

None.

# **Key Issues/Material Considerations**

The key issues to consider in relation to this application are the impact it would have on the adjacent properties and the loss of existing public open space.

# **Loss of Public Open Space**

The proposal would lead to the loss of a small area of public open space, however, it would provide an improved facility for the school. There is also a good level of retained public open space in the surrounding area, including the children's play equipment and outdoor play, recreation, walking and do walking space. Therefore the loss is considered be an acceptable one.

# Impact on neighbouring living conditions

The proposal will have an acceptable impact on the privacy and amenity of neighbouring properties, being further away from existing properties than the existing hard play space within the school grounds and being surrounded by greenmesh fencing.

#### Conclusions

The proposed extension to the playground 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. Prior to commencement, the applicant shall carry out trial holes and infiltration tests at the locations of the proposed soakaways. The design of the soakaways should be carried out in accordance with Building Research Establishment Digest 365 and cater for a 1 in 100 year storm event. These details shall be submitted to the Local Planning Authority for approval and shall be implemented in full prior to the first use of the playground. Reason: In order to protect against flood risk and to comply with advice contained in chapter 10 of the NPPF.

# **Relevant Policies**

BE1 - Design of new development CF1 - Provision of new and improved community

BES - Built environment strategy

<u>Application Number</u> <u>Site Address</u>

P/2013/0656 45 Winsu Avenue

Paignton Devon TQ3 1QE

<u>Case Officer</u> <u>Ward</u>

Mr Alistair Wagstaff Clifton With Maidenway

# **Description**

Demolition of existing house and construction of 2 new houses.

## **Executive Summary/Key Outcomes**

Permission is sought for the demolition of one large detached property and creation of two detached properties. The new properties will have a two storey elevation fronting the road with an integral garage. The frontage design is a modern take on a traditional housing style.

This application seeks to address the refusal reasons of previous application P/2013/0166.

The key issues to consider in relation to this application are the impact it would have on the character and appearance of the street scene and the amenity and privacy enjoyed by the occupiers of neighbouring properties.

When comparing the proposal in terms of plot sizes to those in the surrounding area it will not result in plot widths out of keeping with others in the street.

In relation to the impact on the street scene, Winsu Avenue contains a wide variety of house types and designs with different architectural styles. The development would retain the predominant form of development when viewed from the street, being two story in design. The height of the dwellings is in line with the stepping up of ridge lines of houses along this part of the street.

Due to the further reduction of the proposed outward extent and reduction in roofscape, it is considered that the dwellings would not have a significant impact on the privacy and amenity of neighbouring properties.

As such the proposal is considered to have overcome the previous reasons for refusal and as such on balance is recommended for conditional approval.

#### Recommendation

Site Visit; Conditional Approval.

#### **Statutory Determination Period**

8 weeks, 28th July, delayed to be brought to committee.

# **Site Details**

This is large plot on the south side of Winsu Avenue, currently occupied by one dwelling. The site slopes down from north to south.

# **Detailed Proposals**

Demolition of one large detached property, subdivision of the plot and creation of two detached properties. The new properties will have a two storey elevation fronting the road, with integral garages. The frontage elevations design is a modern take on a traditional housing style.

The rear of the property has a lower ground floor level taking advantage of the topography of the site which the properties have been cut into. The lower ground floor extends out 3 meters beyond the rear elevation. There are a further three storeys above it, with a ground floor balcony inset from the building edge with a privacy screen on the sides of the balconies on the ground floor.

# **Summary Of Consultation Responses**

Torbay Council's Natural Environment Services - contribution could be used towards improvements to Shorton Valley Woods to include access and path improvements. However it would be preferable to use the contribution towards 3 doorstop playgrounds within 1km of site which would benefit from improvements to equipment.

Arboricultural officer- suitable for approval, should include 0one medium size tree per unit.

Highways raise no objection to the application, strategic transport request 106 contribution towards provision and enhancement of bus stop infrastructure on Shorton Road. Note that if changes are required to access this will be required to be preformed under licence by qualified worker

# **Summary Of Representations**

15 objections have been received, the key points include:

- Little change from previous application
- Fails to overcome previous refusal reasons
- Not compliant with NPPF, Local Plan, and Urban Design Guide
- Impact on neighbouring properties
- Ridge height not reduced, does not follow surrounding ridge heights pattern
- Size of the roof
- Loss of light
- Over looking
- Impact on residential amenity
- Overbearing impact
- Privacy and Outlook
- Impact on street scene
- 4 storey rear elevation
- Overdevelopment
- Set president for future developments
- Object to trees in front gardens
- Properties are not symmetrical
- Properties set forward of existing property by 1m
- Object to planting of Leylandii on rear boundary

# **Relevant Planning History**

P/2013/0166 Demolition of existing house and construction of 2 new detached houses with integral garages with vehicular and pedestrian access REF - 14/05/2013.

P/2013/0520 Demolition of existing house and construction of two new houses (Resubmission of P/2013/0166) WDN - 04/06/2013

# **Key Issues/Material Considerations**

The scheme seeks to overcome the previous refusal reasons of application P/2013/0166. Application P/2013/0520 was previously submitted following the refusal of P/2013/0166 and followed negotiations with the planning officer which attempted to overcome the refusal reasons, however this scheme did not take on board suggested alterations and was not supported by officers and was subsequently withdrawn.

## Refusal reasons from P/2013/0166

- 1. The proposed dwellings by reason of their size, siting and design, would represent an inappropriate form of development, due in particular to their 3 storey front elevation. The cramped nature of the built form, resulting from the overdevelopment of the site, would be out of character with the prevailing context in the street scene and would therefore have an adverse impact on the character and appearance of the area. Furthermore, the dwellings would have an unacceptable impact on the living conditions of the neighbouring properties at Nos. 31 and 47 Winsu Avenue, due to the extent of rear protrusion and the resultant overbearing impact. The proposed dwellings would therefore be contrary to policies H9, H10, LS, BES & BE1 of the saved adopted Torbay Local Plan 1995-2011 and paragraphs 56, 57, 60 and 61 of the NPPF.
- 2. In the absence of a legal agreement under Section 106 of the Town and Country Act 1990 (as amended), the applicant has failed to satisfy the sustainability aims of Policies CF6 and CF7 and the Council's SPD Planning Contributions and Affordable Housing: Priorities and Delivery and Update 3: Economic Recovery. Therefore the development fails to secure the delivery of the physical, social and community infrastructure necessary to make the development acceptable in planning terms. As such, the proposal is contrary to Policies CF6 and CF7 of the Torbay Local Plan 1995-2011 and paragraph 206 of the NPPF.

# Principle of the development

This scheme has been redesigned and seeks to overcome the above refusal reasons. The alterations include; i) the removal of the front feature gable and remodelling of the front elevation now presenting a two storey elevation and a simpler design to the street, ii) the introduction of hips to both sides of the roofs to reduce its mass, iii) a Dutch hip to the rear gable with a flat top to reduce its height, iv) reductions to the extent of glazing on the rear elevation, and v) the reduction of the depth at ground floor and above by 0.7m to 9.3 m and the reduction of the lower ground floor extension down to 3 metres in depth reduced from 4.5m. The impacts of the revised application are considered below.

The site is large in comparison to others in the near vicinity. Its subdivision will result in 2 smaller plot widths. However it will not result in plot widths out of keeping with others in the street and surrounding area. The new properties are large in scale, however they maintain a degree of separation between the neighbouring properties (between 2-3m)

and each other. The dwellings are also set within an extensive plot which will provide ample amenity space for each unit.

A number of the representations have asserted that the development would constitute an over development of the site. This was also part of the refusal reason on the previous application. The plot is 46 meters in depth and over 22 meters in width, the proposed dwellings would occupy just over a quarter of the plot. The proposed dwellings have been reduced in scale as set out above and their mass has also been reduced through alterations to the roofs and the removal of the front gable. In light of these changes it is considered that the development would not now constitute over development of the site.

# Street scene/Design

In relation to the impact on the street scene, Winsu Avenue contains a wide variety of house types and designs with different architectural styles. The size, scale and design of the two dwellings has been the subject of concern in the representations received and it is acknowledged that they do have their own individual design and are modern in appearance. However, they represent an improvement from the previous refused plans in terms of respecting the character of the street scene.

During the course of the application the design has also been altered to create a more balanced street frontage with a symmetrical appearance to the roofs. The rear gable has also been reduced and flattened stopping it appearing above the ridge when viewed from the front. The hipping of the side roofs has also helped reduce the mass of the dwellings in the street scene.

Paragraph 60 of the NPPF states that authorities 'should not attempt to impose architectural styles or particular tastes and they should concentrate on guiding overall scale, density, massing, height, landscape, layout, materials and access'. Given this clear guidance and the changes made to attend to concerns with the original submission, it is considered that the design is acceptable on its individual merits in this case.

The prevailing ridge heights in the street scene have also been a concern in the representations. The principle ridge heights of the dwellings have not been lowered from the previous application, however, the absence of the front gable has removed the highest part of the roof. In addition to the hipping of the roof this has led to the development's appearance being more in keeping with the stepping up of ridge lines of houses along this part of the street.

In conclusion, the previous application was considered to be out of character with the prevailing context in the street scene and would therefore have an adverse impact on the character and appearance of the area. With the various changes and improvements to this scheme it is asserted that this part of the refusal reason has now been overcome.

# **Parking and Access**

The proposed development provides ample parking, in line with the requirements of Policy T25, with a large garage and driveway. Due to the size of the garage area, ample space is also available for cycling storage. The accesses proposed are appropriate to their location and raise no concern over highway safety.

# Impact on residential amenity

The two dwellings provide a high quality of residential amenity to future occupiers with an extensive internal area and ample external amenity space.

The outward extent to the rear has been reduced by 0.7 meters at ground floor level. The lower ground floor level has also been reduced by 1.5 metres in depth from the previously refused application. This relationship has also been identified as a concern in the representations.

The proposed dwellings are over 2.5 metres from the neighbouring properties to the side and have been reduced in their outward extent. The roofs have also been hipped to the sides. These alterations have helped improve the relationship to the neighbouring properties. The design of the new dwellings provides no openings in the side elevations ensuring that there is no overlooking to either side. Likewise the proposed balcony areas have been in-set from the edge of the properties with privacy screens provided to limit the overlooking from the balcony area (condition to retain included).

A strong landscaping treatment to the boundaries has also been introduced with a hedge and additional planting along the side and behind the proposed lower ground floor, reducing its impact.

Considering the proposed changes in this application, the combined affect will result in an acceptable relationship to the neighbouring occupiers and will not result in significant impacts on neighbouring living conditions. The resultant relationship is also similar to others in the street scene, including that between 49 and 51 and 31A Shorton Road and 43 Winsu Avenue.

The potential for increased overlooking/ loss of privacy to properties on the north side of Winsu Avenue has also been assessed. The relationship between buildings is across the highway and is no more significant than that present in many residential streets, nor is it significantly different from the existing situation. While the outlook would be altered, the resultant new relationship is not deemed to be an unduly negative one nor does it raise concern in relation to overlooking. As such this relationship is considered acceptable.

The properties to the rear of the site on Southfield Avenue will have the most extensive element of the proposed scheme facing their properties, with a new four storey elevation replacing the existing two storey elevation. Visually this will be a substantive change even with the changes now proposed. However, the closest extent of the proposed new dwellings (the lower ground floor) is over 37.5 m from the boundary and in the region of 60 m from property to property. There is also existing boundary landscaping which is proposed to be enhanced by the landscaping plan submitted with the application. Concern has been expressed by one of the rear neighbours in relation to the rear planting and its impact, this representation concerns the planting of new leylandii. The leylandii shown are existing and the new planting is to be of alternative species, which are set further into the site. Due to the distance between the properties and the landscaping provided, the resultant relationship is deemed appropriate.

## Landscaping

A detailed landscaping scheme has been submitted, helping the proposal blend into the

street scene, where the majority of the properties have well established boundary vegetation. Equally, given the increase in depth of the properties, the enhanced boundary planting to the rear of the new dwellings helps reduces the resultant impact of the development on the neighbours and also helps ensure the relationship between the two new properties is a suitable one.

#### S106/CIL -

Following consultation with the relevant consultees and the calculation of 106 contribution, the following 106 contribution is required:

Planning Contributions Summary	Contribution	Early Payment
Waste Management	£50.00	£47.50
Sustainable Transport	£3,416.00	£3,245.20
Education	£1,466.00	£1,392.70
Lifelong Learning	£276.00	£262.20
Greenspace & Recreation	£2,176.00	£2,067.20
South Devon Link Road	£970.00	£921.50
Total	£8,160.00	£7,752.00
Administration charge (5%)	£408.00	£387.60
Total with Admin Charge	£8,568.00	£8,139.608

The applicant has confirmed their intention to pay via an upfront payment.

# **Conclusions**

The revised application for the siting of two dwellings is considered to have addressed the previous refusal reasons and is considered to be appropriate, having regard to all national and local planning policies and all other relevant material considerations.

The dwellings will fit within the prevailing context in terms of ridge height, plot-width, plot position and urban grain. The design, whilst modern, is appropriate to the varied context and the impact on neighbouring occupiers is limited by virtue of the height and depth of the plots and the proposed landscaping.

## Condition(s)/Reason(s)

- 01. Before the first occupation of the buildings hereby permitted the privacy screens on the east and west sides of the balcony area shall be installed in accordance with the plans hereby approved. The screens shall be fitted with obscured glazing to, or to the equivalent of, or to a level in excess of Pilkington Level 5. The privacy screens shall be permanently retained in that condition thereafter.
  - Reason: To protect residential amenity and the privacy of neighbouring properties, and in accordance with the requirements of policies BES, BE1 and H9 of the saved adopted Torbay Local Plan 1995-2011.
- 02. 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 in accordance with the objectives of policies BE1 and H9 of the Saved Adopted Torbay Local Plan 1995-2011.

# **Relevant Policies**

-

# Agenda Item 11

<u>Application Number</u> <u>Site Address</u>

P/2013/0183 Torre C Of E Primary School

Barton Road Torquay Devon TQ1 4DN

<u>Case Officer</u> <u>Ward</u>

Matt Diamond Tormohun

## **Description**

Construction of 4 classrooms with vehicular access for grounds maintenance; formation of hard surface play area

# **Executive Summary/Key Outcomes**

The application is for a new school building comprising a new nursery and key stage 1 classrooms on the existing hard surfaced games court and play area at Torre Church of England Primary School, Barton Road, Torquay. The application seeks to meet the growing demand for primary school places in Torbay, whilst at the same time improving the design layout of the school in terms of its functionality and security. A replacement hard court is included in the application to the east of the site, which is larger than the hard court that was approved last year following the demolition of the former scout hut on the site. The application also includes a new vehicular access onto Barton Road for maintenance vehicles in order to improve security in this respect also.

National planning guidance in the National Planning Policy Framework (NPPF) encourages local planning authorities to work positively and collaboratively with schools to help to meet their needs in providing sufficient choice of school places and places great importance on this issue. Local planning authorities must work with schools to overcome any relevant planning issues.

The key planning issue with this proposal is the impact of traffic generation on local highways, which is already perceived as a significant problem by local residents. Therefore, the applicant has submitted a new Travel Plan setting out how car trips will be reduced by promoting more sustainable modes of travel. Provided the Travel Plan is proactively implemented and monitored by the school and Local Planning Authority, the application is considered to be suitable for approval. This and other measures should be secured by condition.

## Recommendation

Conditional approval; subject to soakaway and surface water drainage design proposals being agreed with Drainage & Structures within the 13 week determination date or agreement by Drainage & Structures to a pre-commencement condition requiring these details, otherwise the application be refused on 13 week determination date; subject also to the payment of the cost of the required highways measures or s106 agreement securing payment of these costs by the 13 week determination date, otherwise the application be refused on 13 week determination date; approval be delegated to the Executive Head of Spatial Planning in order that the detailed wording of the conditions

can be finalised (a list of condition headings is provided, but more may be required).

# **Statutory Determination Period**

The application is a major application because the site area is greater than 1 hectare. The application was validated on 25.06.2013. The 13 week determination date is 25.09.2013.

# **Site Details**

The site is the Torre C of E Primary School, Barton Road, Torquay. The site area is 1.02 hectares. It is a triangular shaped site bounded by Barton Road to the west and residential properties to the northeast and southeast. Vehicular access is from Barton Road.

The site is allocated for an extension to form nursery accommodation in the Adopted Torbay Local Plan 1995-2011 (the 'Local Plan') (Policy CF8.4), but this has been built. No other allocations or designations affect the site.

The site layout comprises the school buildings to the south and grass playing fields to the north, with a hard surfaced games court and play area in-between. There are a number of trees on the site, mainly around the site boundary.

## **Detailed Proposals**

The proposals are for a new classroom and nursery building on the existing hard surfaced games court and play area and partly on the man-made grass embankment, a replacement hard surfaced games court and play area on an area of informal grass to the east, and a new vehicular access for maintenance vehicles north of the existing vehicular access on Barton Road. The application also includes the installation of two barrel vault canopies on the remaining hard surfaced play area between the new and existing buildings to provide covered play and outdoor learning, and some alterations to the existing car park to improve pedestrian access. Informal play equipment currently to the east of the site would be relocated to the north of the playing field.

The new building would be single storey and include three classrooms (reception and key stage 1) and a nursery with toilets and a kitchen. It would have a gross floor area of 430 sq m. It would have separate pedestrian access to the nursery and classrooms. An external ramp would be built to provide access to the building to the north due to the change in levels on the site. The building would have a low pitched roof of grey concrete slate and incorporate photovoltaic solar panels on the south facing side. The walls would consist of limestone coloured concrete blocks and lavender blue coloured Cedral Weatherboard cladding at ground floor level, and yorkstone coloured concrete blocks at lower ground floor level, with a blue black engineering brick stringcourse between. The doors and windows would be powder coated aluminium. The southern elevation would include powder coated aluminium brise soleil over the windows.

The new hard court would have an area of 457 sq m and would require regrading of the land to be level. A fence would be erected around the perimeter of the court, which would be 2.4m high adjacent to the neighbouring properties.

The new vehicular access has already been constructed and is intended to provide access to grounds staff directly onto the playing field instead of them using the main access in order to improve security. It would be used on a monthly basis during the

growing season.

Surface water drainage from the new building and hard court would be to soakaways.

The proposals result in the removal of three small silver birch trees (one dead).

# **Summary Of Consultation Responses**

Highways/Strategic Transportation: Highways raise no objection in principle, but recommend a Travel Plan to ensure additional parking does not affect nearby streets as no additional parking is proposed.

Additional loading restrictions on the opposite side of Barton Road are also recommended to ensure the free flow of traffic during school drop-off and collection times, as the school already suffers from major congestion at these times. These measures would cost £1,500. A new Travel Plan should be produced to try and reduce the number of car journeys to the school.

Strategic Transportation has added that they have concerns that expansion of the school will create additional traffic congestion and not help address the local accident record. However, the Travel Plan submitted with the application will help to rectify this if it is implemented effectively in which case the application can be supported. The proposed cycle and scooter parking are also positive benefits.

Strategic Transportation has requested a £8,000 bond to enforce the implementation of the Travel Plan, to be monitored annually. Also, in addition to the loading restrictions recommended by Highways, further zigzag road marking is required towards St Michael's Road costing £200.

South West Water: No objection subject to foul flows only being connected to the public sewer.

Drainage & Structures: No details of surface water drainage or soakaway locations on the plans. No information on location of trial holes undertaken. No design calculations for soakaways provided. Design of soakaways must be submitted before planning permission is granted and must be carried out in accordance with Building Research Establishment Digest 365.

Environment Agency: No comment - provided best practice guidance for surface water drainage.

Arboricultural Officer: The proposal does not negatively affect any significant arboricultural features. The new access should not be sited to affect the present or future rooting zone of the highway birch tree opposite St Michael's Road.

## **Summary Of Representations**

Five objections have been received from local residents. The following material considerations have been raised:

- o Additional on-street parking in Valley View Close making access to residential properties more difficult
- o Additional on-street parking on Barton Road

- o Loss of green areas on the site
- o Loss of privacy
- o Impact of noise from more pupils and location of hard surfaced court
- o Extra traffic impacting on highway safety
- o Impact of soakaways on local drainage issues
- o Overdevelopment
- o Double yellow lines or a no entry sign required for Valley View Close to discourage parking during school drop-off and pick-up times
- o Parents currently park illegally
- o Teachers park in Valley View Close.

## **Relevant Planning History**

P/2001/1472 Erection Of Detached Building To Provide "Pre School" Teaching Facilities And Outdoor Play Area (Revised Scheme) (As Revised By Drawing No. 99.715.00 Received On 20 November 2001): Approved 29.01.2002.

P/2012/0580 Installation of single mobile classroom: Approved 22.08.2012.

P/2012/0581 Removal of existing scout hut and formation of new hard surface play area in same location: Approved 06.09.2012.

# **Key Issues/Material Considerations**

The key issues are:

- 1. The Principle of the Development
- 2. Design
- 3. Access
- 4. Impact of Traffic on Highways
- 5. Impact on Amenity
- 6. Drainage

# 1. The Principle of the Development

The principle of the development is acceptable. Local Plan Policy CFS approves all educational infrastructure in principle and Policy CF10 permits the improvement of educational facilities at existing schools provided that:

- 1. Sites for new schools are well related to existing or proposed residential areas, accessible to public transport and have safe pedestrian and vehicular access;
- 2. School sites are of a sufficient size to accommodate the satisfactory design and layout of new or improved school facilities;
- 3. Proposals have regard to the need to safeguard existing playing fields within the school site; and
- 4. Proposals can be accommodated without undue detriment to surrounding residential areas.

It is considered that the proposal accords with criteria 1, 2 and 3. Criterion 4 will be discussed below.

Furthermore, paragraph 72 of the NPPF states:

"The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- o give great weight to the need to create, expand or alter schools; and
- o work with schools promoters to identify and resolve key planning issues before applications are submitted."

Therefore, the NPPF places great weight on providing new school facilities where they are needed and local planning authorities should work positively to resolve any resulting planning issues.

The proposed development is needed to meet the growing demand for primary school places within Torquay. The new building has been sited on the existing hard surfaced games court and play area in order to safeguard the school playing fields. A replacement hard court would be provided to the east of the site, partly on the area already approved for a new hard surfaced play area following the demolition of the former scout hut. The new hard court would be larger than the hard court already approved, but it is considered that it can be satisfactorily accommodated on the site in accordance with Policy CF10.2.

#### 2. Design

The new building has been designed to match the character of the nursery building that was approved in 2002. The layout has been designed to better organise the school site in terms of age groups and security. The new nursery has been sited close to the school entrance on Barton Road. Consequently, parents would be able to collect nursery children without having to enter the school site and disturb older children. This is the case with the current nursery and reception classrooms, which OFSTED has commented as being relatively isolated to the east of the site. It has also been identified as a potential security risk.

The new building would accommodate new reception and key stage 1 classrooms next to the new nursery, allowing a logical progression from one age group to the next. The existing nursery would be converted into classrooms for older children.

Therefore, the layout of the proposal is considered to be appropriate and an improvement on the existing arrangement. The height and massing of the new building is also considered appropriate, as it would fit in with the scale of the existing buildings.

No new landscaping is proposed, but the Design and Access Statement states that the intention is that a landscaping plan will be prepared for the site following involvement with the school children and the Local Planning Authority is invited to add a condition in this regard. A condition is considered appropriate to ensure the landscaping is acceptable for the site and enhances biodiversity.

Therefore, the proposal accords with Policies CF2, BES and BE1 of the Local Plan.

#### 3. Access

Highways have not objected to the new vehicular access for maintenance vehicles on Barton Road. Therefore, this access is acceptable, subject to conditions for drawings showing that the requisite visibility splays can be achieved and details of the proposed stone piers.

The proposed alterations to the car park are also acceptable and would improve access for pedestrians, including disabled people.

Therefore, the proposal accords with Policy T7 and T26.1 and T26.3.

## 4. Impact of Traffic on Highways

The proposal would result in the school increasing in size by 85 pupils from 282 to 367. However, due to the split of the nursery into morning and afternoon sessions, the number of additional pupils travelling to/from the school during the peak times is estimated as approximately 59 in the submitted Transport Statement (TS).

62% are expected to travel to school by car. Taking into account car sharing by siblings, the TS calculates that there would be 26 additional two way trips in each peak hour from new pupils.

The proposal would also require four new full-time employees and four new part-time employees, equating to six full time equivalent employees, who are also expected to drive to/from the school. The TS calculates there would be a total of 32 additional two way trips in each peak hour as a result of new pupils and staff.

Whilst representations have referred to teachers parking in Valley View Close, there are 10 car parking spaces within the school car park and the TS states there would be a total of 24 full-time employees at the school. They state a standard of 1 space per 3 full-time equivalent staff has been agreed with Torbay Council, therefore only 8 spaces are required and no further parking is necessary. However, the TS also states that there are currently 39 staff employed at the school, 20 of whom drive. This evidence demonstrates that there is insufficient parking at the school to cope with the existing demand and this is likely to become worse after the development.

The key issue raised by local residents objecting to the application is the impact of additional traffic generation on local roads, which is already seen as a significant problem at the school. However, having discussed this issue with Highways and Strategic Transportation colleagues, and bearing in mind the national guidance in paragraph 74 of the NPPF to positively work with schools to resolve planning issues, the proposal is considered acceptable with regard to this issue provided that the school takes proactive steps to reduce car trips to and from the school by parents and staff.

A new Travel Plan has been submitted by the applicant as part of the application and it is important that this is properly implemented and monitored by the school/Local Planning Authority to ensure that more sustainable travel modes are undertaken in future. New cycle and scooter parking is also proposed and Highways/Strategic Transportation have recommended highways measures on Barton Road. The cost of these will need to be paid either as an upfront payment or secured via a section 106 agreement before the 13 week determination date.

Therefore, subject to a suitably worded condition regarding the implementation and monitoring of the Travel Plan and the highways measures to Barton Road, the proposal is considered to accord with Policies CF1.3, CF10.4 and T26.2.

#### 5. Impact on Amenity

Representations have raised concerns with the impact of the proposal on privacy and potential increase in noise. It is considered that there would be no impact on privacy, as the new building is sited well away from neighbouring properties and there is vegetative screening around the boundary in any case. The previous application to build a new hard surfaced play area following the demolition of the former scout hut was granted subject to a condition requiring a report on the proposed fencing to ensure it provides adequate visual screening and noise attenuation. Therefore, a similar condition should be added to this development if approved.

#### 6. Drainage

Surface water drainage is proposed to soakaways, but inadequate information was provided in the application regarding their design and suitability. Further information has recently been submitted and additional comments are awaited from Drainage & Structures. These comments shall either be included as a late representation or reported verbally at committee. The aim is to approve the surface water drainage details within the 13 week determination period, otherwise a pre-commencement condition would be required.

#### S106/CIL -

Highways/Strategic Transportation require the following highways measures to be paid either as an upfront payment or secured in a s106 agreement:

- 0 Loading restrictions on the opposite side of Barton Road (£1,500)
- Further zigzag road marking towards St Michael's Road (£200).

Strategic Transportation have also recommended an £8,000 bond to be used on further measures if the Travel Plan fails to reduce car trips at the school. This has been discussed with Legal and is considered unnecessary and unreasonable given the imposition of a Travel Plan condition.

<u>Conclusions</u>
The application is acceptable, subject to conditions discussed above. The proposal is needed to meet the demand for additional primary school places and would result in an improved design layout at the school with regard to functionality and security. Whilst there are recognisable problems at the school with traffic parking during school drop-off and pick-up times, it is believed that these can be overcome through the successful implementation of the submitted Travel Plan in order to promote more sustainable modes of travel, such as walking, scootering, cycling and public transport.

# Condition(s)/Reason(s)

- 01. Landscaping and Landscape and Ecological Management Plan (LEMP)
- 02. Access drawing showing visibility splays

- 03. Drawing of stone piers either side of new access
- 04. Implementation/monitoring of Travel Plan
- 05. Details of hard court fencing re visual screening and noise attenuation
- 06. Drainage (tbc)

# **Relevant Policies**

- CFS Sustainable communities strategy
- CF1 Provision of new and improved community
- CF2 Crime prevention
- CF6 Community infrastructure contributions
- CF10 New schools and improved school facilities
- EP1 Energy efficient design
- EP4 Noise
- BES Built environment strategy
- BE1 Design of new development
- BE2 Landscaping and design
- TS Land use transportation strategy
- T1 Development accessibility
- T2 Transport hierarchy
- T7 Access for people with disabilities
- T25 Car parking in new development
- T26 Access from development on to the highway

# Agenda Item 12

<u>Application Number</u> <u>Site Address</u>

P/2013/0244 Tallet

**Barrington Road** 

Torquay Devon TQ1 1SG

<u>Case Officer</u> <u>Ward</u>

Mr Alexis Moran Wellswood

#### **Description**

Formation of extension at first floor level (revised scheme)

#### **Executive Summary/Key Outcomes**

The application seeks permission to raise the existing roof level to provide an extra storey of residential accommodation through the addition of a natural slate hung mansard roof. This is a revised scheme from that one originally submitted and has been re-advertised.

The original submission resulted in three objections and three letters of support being received. The revised application has received two objections at the time of writing this report. The key issues raised were;

- Impact on character and appearance of the Conservation Area
- Overlooking and overbearing impact
- Impact of size sting and design of the proposal.

Due to the size and design of the proposed extension to the property it is considered to be an acceptable addition to the Conservation Area which would be subservient to its neighbours. The proposed increase in height will be visible from the wider Conservation Area, but is deemed to preserve its character or appearance.

Due to the relationship of the site to its neighbours at the rear, who are significantly lower, it is not considered that the proposal would result in significant overlooking or have an overbearing impact. An increase in overlooking into the curtilage of the neighbouring property to the East is likely as a result of the development, however, this is deemed to be an acceptable level and not one worthy of resulting in the application being refused.

The proposal is therefore deemed to comply with policies BES, BE1, BE5 & H15 of the saved adopted Torbay Local Plan 1995-2011.

# **Recommendation**

Approval.

# Site Details

The property is situated within the Warberries Conservation Area. It has been extended over time in various forms. It is currently not recognised as an important building or one

which specifically contributes to the Conservation Area. It is a detached dwelling set on the hillside, largely below the level of the street to the front, but significantly higher than the properties at the rear.

#### **Detailed Proposals**

The application seeks permission for the formation of an extension at first floor level which will involve raising the existing roof height and forming a natural slate hung mansard roof. The scheme is a revision to that originally submitted and as such has been re-advertised.

# **Summary Of Consultation Responses**

Conservation Officer - No objection.

#### **Summary Of Representations**

The present design is a revised scheme which has been re-advertised as part of the process. Originally objections were received from three people, two neighbours and one agent on behalf of one of those neighbours. Three letters of support were also received.

The letters of objection raised the following concerns of planning merit:

- Impact on appearance/character of Conservation Area
- Impact on light
- Impact on privacy and amenity
- Impact though noise (especially during construction)
- Impact of scale.

The letters of support raised the following points:

- Not deemed to have an impact
- Improved appearance
- No impact on their property.

Since the scheme has been re-advertised two letters of objection have been received which relate to:

- Impact on appearance/character of Conservation Area
- Overlooking and overbearing impact
- Impact of size sting and design of the proposal.

#### Relevant Planning History

DE/2012/0112 First floor extension - The applicant was advised that the principle

of the development is acceptable and likely to gain officer support

14.02.2013

P/2012/0094 Formation of first floor level and associated works - Refused by

delegated powers; 25.04.2012

# **Key Issues/Material Considerations**

The key issues to consider in relation to this application are the impact it would have on the character and appearance of the Conservation Area and that of the original dwelling, and the amenity and privacy enjoyed by the occupiers of neighbouring properties.

At present the property's roof line appears at a low level on the Barrington Road/Higher Warberry Road elevation in comparison to its two neighbours. Although raising the roof

will make the property more visible it will still be subservient in height and would not appear incongruous in the street scene.

When viewed from across the valley it is not deemed that the increase in height would have a significant impact on the character and appearance of the wider Conservation Area and in fact would result in an architecturally more appealing building than the present one. The size and design of the proposed development is considered to be an acceptable addition to the Conservation Area. The form of the extension as a mansard roof assists in assimilating it into its context.

The properties to the rear are sited significantly lower than the application site and therefore the addition of an extension at first floor level would have an acceptable impact on privacy and amenity given the angle of view. Although the proposal is likely to have an effect on the privacy of residents in the property to the East it is not considered that the level of overlooking is sufficient enough to result in the refusal of the application.

# **Conclusions**

The proposed first floor roof extension is considered to be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations.

#### **Relevant Policies**

BES - Built environment strategy

BE1 - Design of new development

BE5 - Policy in conservation areas

H15 - House extensions

**Application Number** Site Address

P/2013/0529 147 Fore Street

> Barton Torquay Devon TQ2 8DN

**Case Officer** Ward

Watcombe Mr Alistair Wagstaff

#### **Description**

Two storey extension to side, rebuild detached garage.

#### **Executive Summary/Key Outcomes**

The application proposes a two storey side extension and a new garage.

The key issues to consider are the impact on the neighbouring occupiers' residential amenity, the impact on the character and appearance of the Conservation Area, and parking and access.

Following the submission of revised plans to attend to design concerns, the application is considered to be acceptable and as such is recommended for planning approval, subject to conditions.

#### Recommendation

Conditional Approval.

# **Statutory Determination Period**

8 weeks expired 16th July, delayed due to requirement to be decided at committee. The application is brought before committee at the request of Cllr Darling.

<u>Site Details</u>
147 Fore Street Barton is located in Barton Conservation Area. It is located on a small drive way and is the end property of a trace of small cottages, it is located furthest away from the road.

Beyond the run of cottages is a detached house. The application property is not widely visible from the surrounding area due to the topography and more significantly its physical location and surrounding vegetation.

#### **Detailed Proposals**

The proposal is for a side extension 4.5 metres wide and 5.92 meters in depth, the extension is set back from the building's frontage by 0.4m and by 1.3m at the rear. The ridge line is set down from the original property and the eaves height is to match the existing property.

The scheme also includes demolition of the garage and provision of a replacement garage.

# **Summary Of Consultation Responses**

Design and conservation: Following submission it was advised that the proposal would not accord with guidance.

Retention of the chimney, reinstatement of windows and a contemporary contextual subservient new build were suggested.

Subsequently an extension with a lower ridge height, a matching eaves height and UPVc sash windows has been submitted. The existing chimney has been retained and the extension is a pastiche of the historic terrace.

This is a case where we need to balance the benefit of the windows reinstatement and the presumption to approve sustainable development with the harm to the heritage asset.

# **Summary Of Representations**

4 objections received- key issues are the impact on neighbours, impact and appearance of the extension in the conservation area and the run of cottages, loss of light, privacy, ground stability, impact on the conservation area, parking and access, impact on the character of the area.

Range of non-planning issue including access, construction process were also raised.

1 letter of support was received from the applicant.

#### **Relevant Planning History**

None relevant.

# **Key Issues/Material Considerations**

The key issues to consider are the impact on the neighbouring occupier's residential amenity, the impact on the character and appearance of the Conservation Area, and parking and access.

#### Residential amenity

The proposal is to the side of the property, it affords no new opportunities for overlooking to the other cottages in the row. It does however bring the property closer to the detached property at the end of the drive.

Two windows are introduced in the end elevation facing the property, the ground floor window raise no issues of overlooking, the first floor window would however increase the opportunity for overlooking the property, in this instance it is felt appropriate to require this window to be obscure glazed and have it fixed shut to preserve the neighbour's amenity. In relation to the overall impact on neighbouring living conditions, while the building does extend closer to its neighbour, given the distances involved and its limited scale the resultant relationship of buildings is considered acceptable in planning terms.

#### **Transport and access**

The property already benefits from vehicular access and parking with a space with garage behind. This scheme will maintain this situation with a space provided with a new garage behind. While there has been concern expressed about the access and

parking, this scheme, in effect retains the status quo (albeit a slight relocation of the existing provision). It is noted that the property will increase in size, however, the parking requirements of policy T25 are for dwellings and do not differentiate in the size of the property. The parking provision is in line with the requirements of policy T25.

The provision of a garage in the location shown is acceptable, and it allow adequate access and provision for parking in front of it with out obstructing the access route.

#### Impact on the conservation area

There has been a substantive amount of concern expressed in representations regarding the scheme. It should be noted these were received prior to the revised plans, which are now considered part of the application.

Since submission of the application a range of changes have been made these include, reinstatement of the chimney to the original property, dropping down of the ridge of the roof of the extension, the removal of roof lights, the setting back of the front elevation and the replacement of all windows on the front elevation with heritage style sliding sash windows. This has resulted in a substantively enhanced scheme from the original.

It is clear that any extension to this run of cottages will impact their appearance. This matter has been discussed at length with the Conservation Officer, it was concluded that an extension would be acceptable, albeit that a preference towards a green oak and glazed extension was put forward to the applicants.

The applicant's agent has requested that the current scheme be considered and that an alternative using more expensive materials would make the scheme unviable. As such the merits of this scheme are to be considered.

The Conservation Officer has concluded that the harm the extension causes to the designated heritage asset is slight to moderate, but that the benefit is only slight.

However, given the benefits proposed and the presumption in favour of sustainable development, it is officers view that the proposals as now submitted provide a form of development which would preserve the character of the conservation area. The pallet of material and design in this location is considered acceptable, replicating the form, design and materials of the existing terrace. Whilst an alternative approach would set the extension apart from the terrace, it is not considered that this pastiche approach fails to preserve the prevailing character.

It is also important to consider the location of the extension, it is not at all visible from the wider Conservation Area and is tucked in behind the existing cottages. While the extension does alter the visual appearance of the run of cottages, it is subservient due to its ridge line and set back frontage, it also still retains key features by continuing the eves line and the pattern and style of opening for the windows. The resultant appearance is an appropriate addition to the host dwelling, the run of cottages and the wider conservation area.

Details of the proposed garage have now been received from the applicant, the size style and appearance of the garage are acceptable in its location and it raise no concerns in relation to residential amenity of the adjoining occupier.

#### S106/CIL -

Not required

# **Conclusions**

The proposed extension is considered appropriate for planning approval and as such is recommended for approval.

# Condition(s)/Reason(s)

01. Prior to the first occupation of the extension hereby approved, sliding sash heritage style windows as shown on the plans and specifications approved shall be installed in all window openings in the front elevation of both the existing dwelling and the extension, these shall be retained thereafter.

Reason: To preserve and enhance the character of the Barton Conservation Area and in accordance with policies BE5, BES and BE1 of the Saved Adopted Local Plan 1995-2011.

O2. The first floor window on the North Elevation of the extension shall be obscure glazed to Pilkington 4 or 5 or a similar level of obscurity and fixed shut.

Reason: To preserve the residential amenity of neighbouring properties and in accordance with policy H15 of the Saved Adopted Local Plan 1995-2011.

#### **Relevant Policies**

BES - Built environment strategy

BE1 - Design of new development

BE5 - Policy in conservation areas

H15 - House extensions

T25 - Car parking in new development

# Agenda Item 14

<u>Application Number</u> <u>Site Address</u>

P/2013/0550 Devon & Cornwall Constabulary

Southfield Road

Paignton Devon TQ3 2SP

Case Officer Ward

Mrs Helen Addison Clifton With Maidenway

### **Description**

Development to form 57 sheltered apartments for the elderly including communal facilities (Category II type accommodation), access, car parking and landscaping.

# **Executive Summary/Key Outcomes**

The application is for demolition of the existing building and construction of 57 sheltered apartments and a guest apartment. The principle of the proposed use is considered acceptable on this site and would be compatible with the character of the surrounding area. The site is capable of accommodating a substantial building.

This scheme is a revision to the previous refusal for the development of the site for sheltered housing (P/2012/0895). The proposal has responded positively to design criticism and now provides a layout and form of building that will provide a pleasant environment for its future occupants. The north facing apartments have been removed and the building's footprint now allows for light to cut through the building to a large amenity space to serve the development.

The applicant's original submission included no 106 contributions or affordable housing. As such an Independent Viability Assessment has been undertaken. This confirms the view that the development would not be viability in the event of a full s106 contribution (in this case some £62,000) and 30% affordable housing. However, the independent assessment demonstrates the sensitivity of the viability to very small adjustments in costs / sales values and reveals that with a change in one area the scheme could provide a commuted sum payment. The IVA recommends in that event that at least a minimum payment of £150,000 be made.

The applicant has made a 106 offer. The offer consists of a commuted payment of £100,000, a commitment to build the scheme out to shell and core within 28 months, and in the absence of the completion within 28 months a 'deferred contributions clause' becomes relevant (albeit that this is based on the house prices index rather than the particularities of the site).

This offer is currently being considered, but at the present time officer's view is that the 106 package should include at least £150,000 as a commuted sum payment (albeit that this could be payable later in the scheme's development to assist with finances), and a delivery mechanism to secure completion to shell and core within 28months, and irrespective of delivery a deferred contributions arrangement (due to the significant reduction that is likely to be agreed in relation to the s106 payment because of the

financial viability constraint).

#### **Recommendation**

Conditional Approval; Subject to an acceptable S106 agreement, including a deferred contributions mechanism in lieu of full payment of the 106, and a delivery clause in respect of the prompt completion of the scheme, and a commuted sum payment.

# **Statutory Determination Period**

The thirteen week target date for determination is 6th September. It is anticipated that the decision will be issued within the target period.

#### **Site Details**

The application relates to the site of the existing police station that is located on the junction of Southfield Road and Blatchcombe Road.

Southfield Rise bounds the site to the north and rises in height from its junction with Southfield Avenue, resulting in properties in this road being at a higher level than the application site. There is a large retaining wall close to the northern boundary of the site with Southfield Rise. Vehicular access to the site is from Southfield Road. There is also pedestrian access from Blatchcombe Road to the rear of the site. The southern boundary of the site along Blatchcombe Road is characterised by a number of mature trees and a sandstone boundary wall. The site is not covered by any specific designations or policy constraints although there are a number of listed buildings in the vicinity.

The existing building on the site extends to a maximum of four storeys in height. It has some architectural merit and won a civic trust award in the early 1970s for its design. It has been pre screened by English Heritage and confirmed of not being sufficient quality for listing. The surrounding area is predominantly in residential use.

#### **Detailed Proposals**

Following refusal of planning application reference P/2012/0895 for 54 flats on the site a revised proposal has been submitted which involves a notable change to the layout and external appearance of the proposed building.

The current application is submitted in full for demolition of the existing building on the site and construction of 58 apartments (57 sheltered apartments for residents and 1 guest flat) with communal facilities to be used as accommodation for elderly persons (category II type accommodation). The scheme includes off street parking and landscaping. The proposed building would be four storeys in height.

One of the apartments would be used as wardens accommodation and another apartment would be used as a guest suite. The communal facilities would include an owner's lounge and well being suite. The proposed development would comprise a single building, split into two separate parts but linked by a corridor on all floors. The apartments would be a mix of 1 and 2 bedroom. All the apartments would be accessed from central corridors within the building. Both stairs (4 staircases) and two lifts would be provided in the building.

Twenty car parking spaces would be provided to the east of the building adjacent to Southfield Avenue, in a similar position to existing parking on the site. A central

courtyard amenity area is proposed which would be bounded on three sides by the building. A number of trees that are in poor condition would be removed from the boundary with Blatchcombe Road.

The footprint of the proposed building has been fundamentally revised from a 'T' shaped form to a 'U' shaped form. The siting of the proposed building would essentially follow the existing built area of the site. The elevational treatment of the proposed building has also been revised.

The proposal is for elevations finished in a mix of render, stone and brick. Windows would be grey upvc casement style. The fourth floor of the building would be recessed behind the main building and would be clad in slate grey weatherboard. The roof would be finished with grey coloured concrete tiles. A number of balconies would be provided on the southern elevation.

#### **Summary Of Consultation Responses**

Natural England – refers to previous consultation response that advised the authority permission may be granted.

South West Water - No objections subject to full details of the means of surface water drainage being submitted for our prior approval.

Environmental Health Officer - recommends a condition relating to land contamination.

Strategic Transport - Requests the following; a) works to be carried out to junction of Blatchcombe Road and Southfield Road to improve crossing facilities which would cost approx. £25,000, b) a contribution of £12,000 to improve two bus shelters in Blatchcombe Road and Southfield Road, c) provision of at least 5 secure cycle parking spaces for staff, visitors and occupants and d) an approved travel plan covering staff, residents, visitors and servicing.

Archaeological Officer – The site lies in part over the footprint of the former Southcombe House. No longer considers a pre determination desk based assessment is required. The recording of any building fabric, that survived demolition for the police site can be dealt with by condition.

Arboricultural Officer – consultation response awaited.

Housing Services - Torbay Council's affordable housing policy requires 30% affordable housing to be provided on site. Currently the scheme is proposing 0% planning contributions. We have received insufficient evidence to justify why this scheme is unable to provide the affordable housing policy requirement. If we were able to receive a revised offer based on the findings of the independent viability report we would consider it on its merit. Currently we would request that Members refuse this application due to a lack of affordable housing contributions.

#### **Summary Of Representations**

Letters of objection received and reproduced. These representations raise the following points:

Loss of light as proposed building would be bigger than the Police station

- Previous reasons for refusal have not been addressed
- Too many flats proposed
- Building should be lower

#### **Relevant Planning History**

P/1996/0726	Alterations and extensions to existing front car park, minor alterations to
	approved 9/1/97.

P/2006/1704 Installation of ramp, formation of parking area approved 4/12/06

P/2010/1204 Formation of 16 dwellings with associated parking and access road withdrawn 24/1/11

P/2011/0324 Residential development to form 14 dwellings with associated parking and access road. Approved 20.2.12

P/2012/0895 Development to form 54 sheltered apartments for the elderly including communal facilities (Category II type accommodation), access, car parking and landscaping refused

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

The main issues to be considered are the principle of the proposed development in this location, the design and size of the proposed building, impact on the setting of listed buildings, impact on neighbouring properties, highways, landscape, ecology and viability.

# **Principle and Planning Policy -**

The principle of a change of use on this site from a commercial use to a residential use has already been accepted by the Council under application reference P/2011/0324, where planning permission was granted for 14 dwellings on the site. There is no case for the retention of the existing building on the site as it is not worthy of listing or located in a Conservation Area. The surrounding area is in residential use and the proposed use would be compatible with the character of the surrounding area. The use for sheltered apartments in this location would be appropriate as the site is reasonably close to the town centre and is accessible by public transport, complying with the relevant requirements of policy CF15.

### **Environmental Enhancement -**

The size of the site, the rising ground levels around the site and the mature landscape features provide an opportunity for a substantial building to be constructed that would provide an acceptable fit with the appearance and character of the surrounding area. The existing building extends to four storeys in height but this scale of the building is only apparent from a few viewpoints around the site, which greatly assists in its assimilation into the streetscape. It is considered that this site does provide an opportunity for the provision of the proposed 58 apartments on the site and subject to a sensitive, robust and sustainable design, development of this scale could be accommodated on the site.

The previous proposal on the site was considered by the Design Review Panel (DRP). The panel recognised the good qualities of the site but concluded that the approach would not allow these to be properly exploited. The proposed scheme has been substantially revised since it was considered by the DRP, with a number of points that were raised by the Panel being taken into account in the current proposal. The issues that have been addressed in the revised submission include simplifying the elevational treatment of the building through stripping back the number of design features that were originally proposed and the use of a simpler less complex form and layout of building.

Under the previous scheme one fundamental shortcoming was the quality of accommodation that would be provided as 18 of the proposed apartments would have been solely north facing towards a retaining wall. The revised form of the building around a central courtyard has significantly improved the aspect from the proposed apartments and enabled the provision of a shared amenity space that, with a good quality landscaping scheme, would provide an important recreation area for residents.

The elevation treatment has been simplified in comparison to the previous application and this is considered to be a more sensitive approach that would respond to the established character of the area. The front (east) elevation to Southfield Road would be based on a villa style of architecture with a relatively simple and uncomplicated architectural theme. The scale and bulk of the proposed building would be addressed through the use of contrasting materials and stepping the building line with the change of materials.

The bulk of the building along the Blatchcombe Road (south) elevation would be broken into two elements connected by a ground floor glazed corridor. The visual scale of the building would be reduced through setting back the fourth storey and using recessive coloured cladding. Due to the way that ground levels rise around the site and the existing screening from mature landscaping the site can accommodate a substantial sized building without harming the visual amenity of the area.

The colour of the brickwork and stone work will be important in how the building would assimilate into the townscape. The colours used on the submitted elevations are not in all cases consistent with the established palette of materials in the area. In order to ensure the appropriate materials are used a condition requiring samples of the materials to be submitted should be imposed.

The proposed development would accord with the objectives of Policies BES and BE1 in the Torbay Local Plan 1995-2011, which seek to ensure new development enhances the built environment in a positive manner. The proposed development would make effective use of a brownfield site that is in a sustainable location. The quality of the proposed building has been significantly improved in comparison with the previous application and would constitute an appropriate form of development in this location.

Guidance in the National Planning Policy Framework (NPPF) includes the presumption in favour of sustainable development and para. 49 advises that "housing applications should be considered in the context of the presumption in favour of sustainable development." However, in order to achieve the objective of delivering sustainable development, this proposal needs to be of sufficient quality and deliver a robust form of development that meets the objectives in both the NPPF and the plan.

One of the 12 core planning principles in the NPPF at para.17 is to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings." Para. 56 acknowledges that "good design is a key aspect of sustainable development...and should contribute positively to making places better for people. Para. 61 recognises that "planning ..decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment". It is noted that at para. 59 it is advised that planning policies and decisions should not attempt to impose architectural styles or

particular tastes and they should not stifle innovation, originality or initiative.

On the basis of the points made above it is considered that the proposal would meet these objectives in the NPPF and in Policies H2, H9 and H10 of the Torbay Local Plan 1995-2011, to provide a sustainable form of development that would positively enhance the appearance and character of the surrounding area.

### Impact on neighbouring properties -

The adjoining bungalow at 50 Blatchcombe Road is situated close to the boundary of the application site. Because of the changes in ground levels on the site the west elevation of the building would be partly screened and a new criblock retaining wall would be constructed along this boundary, which would reduce the visibility from the proposed development towards the rear curtilage of the adjoining bungalow.

In addition the existing trees along this boundary would be retained. It is noted that the current building has a considerable number of windows facing west. The difference in uses between the two buildings from office to residential is material, as this would affect the occupation pattern of the building. On balance, however, it is considered that the relationship would be acceptable and the proposal would not result in an unacceptable loss of amenity to the adjoining property in Blatchcombe Road.

Concern about the relationship of buildings has also been expressed by residents of Southfield Rise. There is a substantial change in levels between the application site and properties in Southfield Rise, which would largely result in only the third and fourth floor windows being visible from Southfield Rise. The distance between windows would be in excess of 30 metres across the carriageway. Due to the form of the building the majority of windows would be in excess of 70 metres from these properties. The windows in the eastern and western ends of the building that would be closest to these properties would be either staircase windows or narrow secondary window.

It is considered therefore that this would be an acceptable relationship of buildings and would not result in an unacceptable loss of residential amenity for occupiers in Southfield Rise.

#### Accessibility -

The proposal includes the provision of 20 car parking spaces. A buggy store is also shown. The access to the parking area would utilise the existing vehicular access on the eastern side of the site from Southfield Avenue.

The existing pedestrian access at the western end of the site would be retained. A transport statement has been submitted which identifies that there would be no noticeable increase between traffic levels generated by the existing site use and the proposed use. The level of on-site parking provision would be consistent with the demand that has been experienced on other similar sites. It is advised that occupation is restricted to those over the age of 60 and the average age of residents is 78. Generally 30% of occupants are over 80.

There are four bus stops within 200metres of the application site. Strategic Transportation has confirmed that there is no objection in principal to the proposal, but has requested provision of secure cycle parking, that the access be revised to a footway crossover access rather than a formal junction and contributions towards improvement

to the junction of Southfield Avenue and Blatchcombe Road and to local bus shelters.

However, given that the traffic impact of the development is mitigated by the pre-existing use it is not considered reasonable to request such a contribution.

#### Landscape -

The proposal involves felling a number of trees along the boundary with Blatchcombe Road and three trees along the boundary with Southfield Road. The Arboricultural Impact Assessment states that two of the trees to be removed along Blatchcombe Road are classified as category C because of their size. The remainder of the trees proposed to be removed is in the interest of good management. Measures for protection of the existing trees are included in the Assessment and a comprehensive landscaping scheme is suggested. It is also proposed that some areas of existing tarmac surfacing under trees will be replaced with permeable surfacing. The assessment advises that all the significant boundary tree cover will remain intact and no high category trees will be removed.

The Council's Arboricultural Officer previously advised that the proposal would retain the mature trees on the site, which contribute to considerable public visual amenity in the area. He advises that there would be no objection to the loss of the trees referred to above, providing a detailed landscaping scheme is submitted to robustly replace them. It would be acceptable on this scale of development for the landscaping scheme to be addressed by means of a condition.

The proposed central courtyard area would be likely to provide an important amenity space for residents as it would be private, sheltered and would be directly accessible from the residents lounge. The indicative plan shows that it would be largely hard surfaced with gravel with limited soft landscaping. It is considered that the quality of landscaping could be improved in this key area, however, this can be addressed by means of a condition.

#### Ecology -

A Bat Survey and Mitigation Strategy have been submitted in support of the application. It notes that when bat activity surveys were undertaken no bats were observed emerging or entering the building and therefore it is unlikely that the existing building supports roosting bats.

However, low level foraging and commuting behaviour was recorded across the site by bats. It is recommended that some enhancements be put in place to address this. These include retention of vegetation used by foraging and commuting bats is retained and enhanced and additional planting is included. External lighting should be directed away from boundary vegetation and external lighting on the new building should be kept low. In addition two bat boxes and bat tubes should be provided on the site. It is noted that the building does have the potential to support nesting birds and it recommended that its demolition occurs outside of the nesting season.

Natural England has advised that on the basis of the surveys referred to above planning permission may be granted.

#### S106/CIL and Viability -

The applicant has submitted a confidential Affordable Housing Statement and Viability

Appraisal in support of the application. This report concludes that the Local Plan affordable housing requirement and planning gain contributions cannot be borne by this development whilst maintaining an economically viable position. The applicant's report supports their stance that the development cannot provide any contributions or affordable housing if it is to remain viable, hence the S106 offer is £0.

In accordance with the Council's SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" the following contributions would be required to offset the impact of the proposal on local infrastructure;

Waste Management £2850
Greenspace £34,550
South Devon Link Road £22,560
Admin charge £2998
Total £62,958

An independent viability appraisal has been carried out to assess the applicant's submission. This has noted that the projected build costs per sqm have increased in comparison with the viability assessment submitted with the previous planning application. The inference of this is that design changes have increased the total build cost by approx. £750,000. It is questioned whether this is realistic or appropriate. Further points relating to a) whether the sales office will be staffed 7 days a week from 10 am to 5pm for the entire anticipated sales period of 56 months, and b) the lead in purchase time of the site used by the applicant in their appraisal is appropriate.

Due to the complexity of assessing the viability of the proposed development the independent assessor is reluctant to identify a specific level of contribution that the scheme can generate. As a base figure he identifies a minimum contribution of £150,000 but notes that this could be increased as a result of a minimal increase in sales values and a minimal saving in construction costs. When the previous application was considered the applicants offered a contribution of £300,000.

It is considered reasonable that the proposed development make a contribution to off-set the impact of the development on local infrastructure. In accordance with the SPD Planning Contributions and Affordable Housing the priority would be for the contribution to go towards the provision of affordable housing and the South Devon Link Road.

The applicant has made a comprehensive case for the provision of off-site affordable housing. In this case, on the basis that the number of units that would be provided would be small and therefore difficult for a housing association to administer off-site contributions could be accepted.

As part of the S106 negotiations there is an opportunity to secure a quick delivery of the development, which is an advantage as it would deliver much needed new homes for the community. The applicant appears prepared to accept a clause in the S106 agreement that the development is delivered to shell and core stage within 2 years of the grant of planning permission.

It would also be appropriate, if the Council were to accept reduced S106 contributions, to include a deferred contribution mechanism in the agreement. This would provide that if the profitability of the scheme increased through, for example increased sales values,

the Council would be able to clawback additional S106 contributions. One possible mechanism of achieving this is to include a fixed sales price per sq metre, and when this is exceeded the trigger for payment of additional S106 contributions is reached.

The adult social care team has raised questions about the implications of the proposed development on adult social services resources. This is a consideration, but the Council currently has no adopted policy requiring contributions to be made towards social care. Given that there is no current policy and given the frailty of the viability of this scheme, there appears to be no justification to prioritise a contribution towards Adult Social Care as part of the determination of the planning application.

#### **Conclusions**

In conclusion, the principle of the proposed use on this site is considered to be acceptable. The submitted scheme would achieve the objective of creating a sustainable high quality development on the site. The site is brownfield and in a sustainable location close to Paignton town centre. It is capable of accommodating a substantial sized building and the proposed development would make effective use of the site. It would create 57 new dwellings.

The design and layout of the building has been substantially revised in comparison with previous scheme and would meet the objectives of Policies BES and BE1 in the Torbay Local Plan 1995-2011 which seek to ensure new development enhances the appearance and character of the area.

The applicant has currently offered no S106 contributions and has been advised that, having reviewed the Independent Viability Assessment, the Council considers a contribution towards provision of affordable housing and the South Devon Link Road would be required in this case. Without a contribution towards the impact of the proposal on local infrastructure the proposal would be considered not to be delivering a sustainable form of development and would not be acceptable.

#### Conditions

The recommended conditions will cover the following matters:

- 1. Control of the use of the guest flat and warden flat (ancillary)
- 2. Samples and schedule of materials
- 3. Landscaping scheme to be submitted, agreed and implemented
- 4. Protection and retention of relevant trees
- 5. Provision of parking before first use
- 6. Provision of bin, cycle and buggy stores (including electric charging)
- 7. Land contamination condition
- 8. Archaeology condition
- 9. Occupancy condition (age restriction)
- 10. Management (warden) condition
- 11. Retention of communal facilities (laundry, lounge etc)
- 12. Architectural details of key features (window reveals, cills etc)
- 13. Surface water drainage condition

# **Relevant Policies**

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# Agenda Item 15

<u>Application Number</u> <u>Site Address</u>

P/2013/0613 Jesmond Dene

85 Abbey Road Torquay Devon TQ2 5NN

<u>Case Officer</u> <u>Ward</u>

Mr Alistair Wagstaff Tormohun

#### **Description**

Change of use of guest house (Class C1) to HMO (sui generis) with internal works.

#### **Executive Summary/Key Outcomes**

The key issues of the proposed scheme are the impact on the Listed Building, the impact on the Conservation Area, provision of a House in Multiple Occupation (HiMO) in this location, the adequate provision of bin and cycle storage and, parking and access. The report concludes that the proposal accords with the relevant planning policies in respect to these key issues and is therefore suitable for planning approval.

# Recommendation

Conditional Approval.

# **Statutory Determination Period**

8 weeks, expires on 16th August.

#### **Site Details**

Detached Listed Building on the eastern side of Abbey Road, opposite Roebuck House and with the Council's multi-storey car park at its rear. The building is of three storeys over a basement.

The site lies in the centre of the Abbey Road Conservation Area; it is surrounded by a number of key buildings typical of the architecture and visual aesthetic of the fashions of early-period Victorian Torquay (Abbey Road Conservation Area Character Appraisal July 2005, para 4.1.6). It is the only one listed in the group and clearly superior to the others in it. They have all suffered in recent years from deleterious changes to their fabric and settings. It is complemented by the listed group of Roman Catholic Church, presbytery and former School immediately opposite of the 1850/60s.

# **Detailed Proposals**

Permission is sought for a change of use from a guest house to a HiMO. The last and current authorised use of the property is as a guest house. The submitted plans show a self contained flat at basement level to be manager's accommodation, and 10 separate residential rooms spread over on the ground, first and second floor above. 3 of the residential rooms have their own internal en-suite facilities, there is a shared kitchen and lounge on the ground floor, a shared kitchen on the second floor and a communal bathroom on each floor. The property currently has, and will retain, 3 parking spaces at the front directly off Abbey Road.

# **Summary Of Consultation Responses**

Conservation – this scheme is an enhancement on the first application. Following site inspection on 25 June it is evident that the new scheme has addressed all the concerns raised in the original comments. All elements of that earlier scheme which had a detrimental effect on the fabric have been removed, and further the proposals now include reversals of some of the mid 20th-century alterations to the original layout.

The kitchen on the second floor will require venting for ovens, hobs etc. but none is shown. Two chimney stacks are attached to adjacent rooms 8 & 9 which may provide a means of venting if joined above ceiling level below the roof itself. However it is done, external venting will be required; this will affect the appearance of the building and will need to be addressed. Tanking to the basement is not ideal, but the historic fabric is generally coarse rather than 'polite', and it is thus acceptable.

English Heritage - not necessary to consult EH on this application.

Highways - Located in central area as such it will be appropriate to provided minimum or 0 parking Highways raise no objections.

Sustainable Transport - require contribution towards cycle route on Abbey Road.

Parks - contribution required towards Castle Gardens, Castle Road.

Environmental Health - Identify that occupied as HMO own will need to apply for a licence.

#### **Summary Of Representations**

5 representations have been received. The key issues raised are:

- impact on local area
- overdevelopment
- against the neighbourhood plan
- not in keeping with local area
- impact on local area and anti social behaviour
- inadequate parking
- oversupply of HiMOs in the area
- concern over badger set in locality and Bat colony in area whose nest sites are unknown.

#### **Relevant Planning History**

P/2013/0142 Change of use of guest house (Class C1) to HMO (sui generis) with internal works REF - 09/04/2013.

P/2013/0143 Change of use of guest house (Class C1) to HMO (sui generis) with internal works REF - 09/04/2013.

# **Key Issues/Material Considerations**

# Background to planning policy considerations in respect of HiMOs

Concentrations of Houses in Multiple Occupation (HiMO's), and the geographical concentration of certain groups of people residing in them, can lead to substantial

changes in the characteristics and social infrastructure of a neighbourhood. The problems associated with HiMO's and the tensions within local neighbourhoods have been well publicised and can include issues such as noise, low-level anti-social behaviour, parking congestion and other environmental impacts. Some of the issues that may be associated with HiMOs are linked to the nature and characteristics of occupiers, including lifestyle and transience, creating a localised impact. There are also cumulative impacts that can arise when the concentrations of HiMOs are increased within communities.

A suite of measures exist in relation to the regulation and management of HiMOs that involves various bodies, including the Council. Each tool is capable of preventing, solving or mitigating certain impacts that are a result of HiMOs and will be appropriate in different circumstances.

#### These are as follows:

- Planning Services control the spatial distributions of different uses to ensure that the provision of dwellings (including HiMOs) meets demand in a spatially appropriate and sustainable way;
- The Housing Licensing team provides controls over the state and standard of accommodation that is being offered to tenants;
- The Public Protection Service investigates, and where appropriate enforces breaches of legislation in relation to noise, litter and other amenity related matters:
- Highways and Transport apply and enforce on street parking restrictions and permits;
- The Anti-Social Behaviour Unit apply legislative powers in relation to individuals' and groups' conduct, and;
- The Building Control team ensure, where the Building Regulation are applicable, the health and safety of people in and around buildings.
- The Police play a role where there is a disturbance of the peace.

In addition, HiMO's must comply with the health and safety requirements of the Housing Health and Safety Rating System (HHSRS). This requires accommodation to be healthy and safe, have adequate natural and artificial lighting and sound insulation. Furthermore, Building Control team ensures, where the Building Regulation are applicable, the health and safety of people in and around buildings.

# **Planning Considerations**

It is important against this background to ensure that the material planning considerations are given due weight and that matters pertaining to other regulators are not given undue consideration. The key planning issues to consider are the change of use to a HiMO, the loss of holiday accommodation, impact on the listed building and conservation area, parking and access, bin and cycle provision.

# Change of use to HiMO

Policy H7 sets out 8 criteria to consider in determining applications for a HiMO, it is appropriate to test this application against each of these:

1) The property should be located within easy reach of public transport and community facilities.

The property is within easy reach of the Town Centre and a good array of social and community facilities. It is on a prime bus route and within easy walking distance of other bus services. The terms of this criterion are thus met by this proposal.

2) The scale and nature of the use does not adversely affect neighbouring residential amenities (by way of noise and general disturbance.

This is a largely subjective consideration, and would be difficult to judge before it is in place. However, this is one of the criteria that will be assessed, monitored and policed under Environmental Health legislation, and so Officers are confident that this can be achieved. A dedicated managers flat is provided which should ensure stewardship of the property, a further 10 rooms are provided this would be less than the current potential occupation potential of the guest house.

The property on the left/northern side of the site is occupied as business premises (Torbay Support and Recovery Team), whilst the property on the right/southern side is already split into many flats. Given that the existing authorised use of the property is as a guest house, it is likely that there would be an existing level of amenity disruption. To the rear lies the Council's multi-storey car park. On balance it is felt that there is unlikely to be any undue disturbance to these uses caused by the proposed use, such that the LPA could justify refusal.

In any event, it is considered important to distinguish the use from its occupancy. Antisocial behaviour is not an inherent and inevitable consequence of a HiMO, but is attributable solely to the behaviour of occupiers. It is clear that planning control exists to regulate uses, however the type of occupants and/or their general behaviour is outside of planning control. This would be controlled by other legislation and ultimately by the police, but is not a matter for planning consideration. Occupancy by itself is beyond the control of the Planning System and the licence that would be required under E.H.O. regulations would have Anti Social Behaviour controls to remedy any future problems that may arise in this regard. Therefore on balance there is no evidence to suggest that the impact of the proposed HiMO upon the neighbouring uses would be so great as to justify refusal under planning legislation.

In the case of a HiMO authorised by Environmental Health legislation, there are as a matter of fact, in built anti-social behaviour safeguards, which would not exist with other uses such as self contained dwelling units, and therefore, arguably, there is more control in the case of a HiMO.

3) The car parking requirement for the proposed development does not generate an unacceptable level of traffic and adverse environmental impact.

There is a general assumption that people living in a HiMO would not have access to a car, but this cannot be proven. However, the site is within easy walking distance of the town centre and a multiplicity of services essential for everyday living including public transport. The Council's multi-storey car park also lies to the rear. The proposal provides parking for 3 vehicles, although the standards of the adopted policy state that there should be 1.5 spaces per living unit. This means that for the 10 HiMO units and the Managers Flat (11 dwelling units) there should be 16 car parking spaces available. This matter was one element of the previous scheme refusal reason. The Council's Highways department have advised that the unit is located in central area as such it will

be appropriate to provided minimum or 0 parking Highways and as such highways raise no objections.

There have been a large number of applications determined in Torquay, Paignton and Brixham town centres where new residential units have been allowed without a requirement for any parking provision. Equally the impacts of the previous use and its traffic generation need to be considered as a guest house with owner's accommodation and 10 further letting rooms which has successfully operated with the current level of provision. The application also includes provision for cycle parking offering a sustainable travel option.

In this instance it is considered that, given the properties location, the response from highways and the provision of cycle storage, on balance the level of parking provided is adequate.

4) The development would not lead to a loss of holiday accommodation within a P.H.A.A.

Although the application property is a guest house, it does not lie within one of the Council's identified Principal Holiday Accommodation Areas (P.H.A.A.'s). Therefore this particular criterion is not relevant.

5) The development would not lead to an over-concentration of similar uses which would harm the character and amenity of the area.

The Local Planning Authority appears to have granted consent for a few HiMO uses in Abbey Road and some in Warren Road over many years, but it is not clear how many there are in the immediate vicinity. Given the evidence currently available, the Council cannot conclude that the area has an over-concentration of HiMO uses in the immediate vicinity although it has been identified by representations that the wider area does have a concentration of HiMO. This matter has been discussed with the Environmental Health Department who have confirmed that there is not a large concentration of Licence HiMOs in the immediate or wider area. It is therefore concluded that this criterion has been met.

6) A suitable standard of accommodation can be provided.

This criterion would need to be largely satisfied if the HiMO was to be licensed under EHO legislation. It is clear from the plans provided that the units are of a reasonable size, 3 of which have en-suite facilities, bathroom facilities are available on all floors and access to a communal lounge and 2 kitchens is also provided. It is concluded that this is acceptable for this level and type of accommodation being provided.

7) Adequate storage facilities can be provided for recycling and refuse collection.

This was part of the previous refusal reason for the last application. The plans submitted identifies a dedicated waste and recycling area to the side of the property, as such this criterion and the previous refusal reason have been overcome.

8) Supervision by a resident owner/manager or an alternative appropriate level of supervision.

The plans clearly show a large self contained flat within the proposed basement plan it has been confirmed by the agent that this will be a managers flat, and the accompanying planning statement makes clear that this is intended for a manager. Any approval given should be conditioned to ensure that this occurs. In this way, criterion 8 would be met.

In relation to the policy consideration for the provision of a HiMO it is considered that there is not a policy objection to the scheme.

#### Loss of holiday accommodation

The loss of the holiday accommodation is considered in accordance with policy TU7 (changes to holiday accommodation outside of PHAA's) of the Saved Adopted Torbay Local Plan. The Council has deemed this policy to be in compliance with the NPPF, so long as consideration is given to the 'presumption in favour of sustainable development' as stated in paragraph 14 of the NPPF. The 3 requirements of policy TU7 are that:-

- (i) The loss of the holiday accommodation does not undermine the holiday character in the locality, or the range of tourism facilities or accommodation offered by the resort. This is considered to be met because this is not a holiday area.
- (ii) The site of the accommodation is of limited significance in terms of its holiday setting, view and relationship to tourism facilities. It is not so clear whether this is met because the property is within good walking distance of Torquay's major beach and the harbour. On balance though it would be difficult to conclude that this part of Abbey Road had significance to the tourist industry which is focused on the seafront, Harbour area and the PHAA's.
- (iii) The new use would be compatible with the character and other uses in the area. These are predominantly residential and commercial uses and as such the proposed use would not be out of character with that which prevails in the area.

#### Impact on the Listed Building

This matter has been considered in detail in the report to application P/2013/0614, which is also being considered at this Committee. The Listed Building application concludes that the previous Listed building and planning application proposed a scheme of works and alterations which were considered to have a negative impact on the Listed building.

This revised scheme has addressed all the concerns raised in relation to the previous application and removed all elements which had a detrimental effect on the fabric. This application also now includes reversals of some of the mid 20th-century alterations to the original layout which were detrimental to the original building.

The scheme of work is seen as an enhancement to the listed building and will help preserve it in to the future. There are a number of features which are not necessarily enhancements, these include the provision of new internal doorways and the tanking of part of the basement floor. These alterations do however facilitate a new use to the building and are not considered significantly detrimental by the conservation officer.

The NPPF also advises that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. In this regard the works are

required to bring the building into a viable uses. The works are also balance against the larger scheme of works which are enhancements to the building.

#### Impact on the Conservation Area

The proposed scheme seeks to restore and repair the building including the external façade, as such the proposal is considered to both preserve and enhance the Conservation Area.

#### Cycle and bin storage

As discussed above, provision for bin and cycle stores have been included with this application. In relation to the cycle store only 3 spaces have been proposed and these are not secure or covered although there would be the potential for this to be done. This matter has been discussed with colleagues in sustainable transport who have advised that provision should be made for a further 2 cycle spaces and that all spaces should be secure. There is clearly potential within the side/rear of the site for a dedicated store to be provided. This matter can be secured by way of condition and as such the previous refusal reason can be overcome.

#### Parking and access

Consideration of this matter has been given under criteria 3 of policy H7 above. In summary it has been concluded by officers that on balance

the proposal provides adequate parking. There is parking for 3 vehicles, for the 10 HiMO units and the Managers Flat (11 dwelling units). In this instance it is considered that, given the properties location, the response from highways and the provision of cycle storage, that the level of parking provided is adequate.

This view is different from that taken in the previous application. It is recommended that Members view the site in order to make a judgement on this matter considering officers viewpoint has changed upon mature reflection given the comments from highways and the provision of cycle parking, some onsite parking and the fact that the site is on an existing bus route.

#### **Ecology**

In one of the representations received concern has been expressed in relation to the location of a Badger set on site. The proposal does not include any extension to the current built form and as such this matter is not considered significant in relation to the determination of the application. Badgers are however a protected species and should they be found on site the applicant should ensure their protection. The same representation also raises concerns for Bats however the property is currently in use and bat activity has not been seen on site, there is also very limited potential nesting sites, however they are a protected species and should they be found on site the applicant should again ensure their protection. An informative can appropriately draw this to the applicants attention.

#### S106/CIL -

FINANCIAL CONTRIBUTION:

Waste Management £50
Sustainable Transport £3,176.67
Lifelong Learning £36.67
Greenspace and Recreation £1,936.67

South Devon Link Road £1,3000

(please note the figures above have been reduced down to allow this contribution as per Planning Contribution SPD update 4 requirement)

TOTAL FOR DEVELOPMENT £6.500 + 5% administration fee £325

5% Discount for early payment = £325

Total payable as an up-front payment = £6,175 + 5% administration fee £308.75

The applicants have advised that they will pay via an upfront payment subject to a positive outcome at the Committee Meeting.

# **Conclusions**

The proposed scheme is considered to comply with the policies of the Saved Adopted Local Plan and the NPPF and as such is recommended for Conditional Approval.

# Condition(s)/Reason(s)

01. Prior to the first occupation of the property as a HiMO, a plan showing a dedicated cycle store for 5 or more cycles shall be submitted to and approved by the Planning Authority in writing. The cycle store shall then be constructed in accordance with that plan and made available for use prior to occupation of the site and be permanently retained for the use of the property there after.

Reason: To ensure satisfactory provision of secure cycling facilities and in accordance with Policies T1, T3T25, BES, BE1 and H7 of the Saved Adopted Local Plan 1995-2011

- O2. The lower ground floor flat shall only be used and occupied as Managers Accommodation ancillary to and for the purposes of providing accommodation for the supervision of the House of Multiple Occupation. The Manager's Accommodation must not be sold, let or otherwise disposed of as a separate self contained flat. Reason: To ensure the House of Multiple Occupation is managed and in accordance with policy H7 of the Saved Adopted Torbay Local Plan 1995-2011
- O3. The car parking layout hereby approved shall be made available for the sole use of parking for the House of Multiple Occupation, hereby approved.
  - Reason: To ensure provision of dedicated parking and in accordance with Policy T25 of the Saved Adopted Local Plan 1995-2011.
- 04. The use of the property as a House of Multiple Occupation shall only be occupied in accordance with the plans hereby approved, no further letting rooms shall be provided and the lounge, kitchens, bathrooms shall be used for those purposes only and permanently retained as such.

Reason: To ensure a satisfactory standard of living accommodation is provided

and in accordance with Policy H7 of the Saved Adopted Torbay Local Plan 1995-2011.

05. The schedule of works hereby approved shall be undertaken in full including all repair works, prior to the first occupation of the property.

Reason: To ensure the preservation and restoration of the Listed Building and in accordance with policies BE6 and BE7 of the Saved Adopted Torbay Local Plan 1995-2011.

06. The use of the property as a House in Multiple Occupation shall be authorised provided that at all times there is on site supervision of the building and its occupants by a resident owner/manager who will oversee the safe and orderly occupation and running of the property.

Reason: To ensure an appropriate degree of control over the use of the property, to safeguard the private amenities of nearby residents, in accordance with the terms of policy H7 of the saved adopted Torbay Local Plan.

# **Relevant Policies**

H7 - Houses in multiple occupation (HMOs)

CFS - Sustainable communities strategy

T25 - Car parking in new development

CF6 - Community infrastructure contributions

W7 - Development and waste recycling facilities

TU7 - Change of use or redevelopment of new ho

T26 - Access from development on to the highway

NPPF - National Planning Policy Framework

BES - Built environment strategy

BE5 - Policy in conservation areas

BE6 - Development affecting listed buildings

BE7 - New uses for historic buildings

<u>Application Number</u> <u>Site Address</u>

P/2013/0614 Jesmond Dene

85 Abbey Road Torquay Devon

Devon TQ2 5NN

<u>Case Officer</u> <u>Ward</u>

Mr Alistair Wagstaff Tormohun

#### **Description**

Change of use of guest house (Class C1) to HMO (sui generis) with internal works

# **Executive Summary/Key Outcomes**

This application is only looking at the physical changes required to the building in order to implement the concurrent planning application for a change of use to a House in Multiple Occupation. It does not consider the principle of the proposed change of use.

The property is a grade II listed building, and it is considered that the changes required (as shown) to convert the property to a HIMO would improve and enhance the integrity of the listed building. The proposal is therefore considered to meet the design, conservation and heritage policies within the Saved Adopted Torbay Local Plan.

# **Recommendation**

Approval.

#### **Statutory Determination Period**

8 weeks 16 August.

#### Site Details

Detached Listed Building on the eastern side of Abbey Road, opposite Roebuck House and with the Council's multi-storey car park at its rear. The building is of three storeys over a basement.

The site lies in the centre of the Abbey Road Conservation Area; it is surrounded by a number of key buildings typical of the architecture and visual aesthetic of the fashions of early-period Victorian Torquay (Abbey Road Conservation Area Character Appraisal July 2005, para 4.1.6). It is the only one listed in the group and clearly superior to the others in it. They have all suffered in recent years from deleterious changes to their fabric and settings. It is complemented by the listed group of Roman Catholic Church, presbytery and former School immediately opposite of the 1850/60s.

### **Detailed Proposals**

Change of Use of guest house (C1) to HMO Sui Generis with internal works

# **Summary Of Consultation Responses**

Conservation – this scheme is an enhancement on the first application. Following a site inspection on 25 June it is evident that the new scheme has addressed all the concerns

raised in the original comments. All elements of that earlier scheme which had a detrimental effect on the fabric have been removed, and further the proposals now include reversals of some of the mid 20th-century alterations to the original layout.

The kitchen on the second floor will require venting for ovens, hobs etc, but none is shown. Two chimney stacks are attached to adjacent rooms 8 & 9 which may provide a means of venting if joined above ceiling level below the roof itself. However it is done, external venting will be required; this will affect the appearance of the building and will need to be addressed. Tanking to the basement is not ideal, but the historic fabric is generally coarse rather than 'polite', and it is thus acceptable.

English Heritage - not necessary to consult EH on this application.

#### **Summary Of Representations**

5 representations have been received. The key issues raised are:

- impact on local area
- overdevelopment
- against the neighbourhood plan
- not in keeping with local area
- impact on local area and anti social behaviour
- inadequate parking
- oversupply of HMOs in the area
- concern over badger set in locality and Bat colony in area whose nest sites are unknown.

# Relevant Planning History

P/2013/0142 Change of Use of guest house (C1) to HMO (Sui Generis) refused.

P/2013/0143 Change of Use of guest house (C1) to HMO (Sui Generis) refused.

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

The applicant has stated that there are no planned external demolitions to the property with all conversion works to be undertaken internally. However, the applicant does state that the external appearance of the building is to be restored. A detailed Schedule of Works has been submitted with the application, this covers repair works which do not require consent and also physical alterations which do.

The works proposed are summarised as follows:-

#### Ground floor

Veranda repaired, Entrance porch repaired, Windows, Skirting's, doors stairs and other timber surfaces repaired, Tiled floor repaired, kitchen doorway reinstated, blocking up additional kitchen doorway stud partition, new electrics installed where required, new carpets, new kitchen and bathrooms fittings installed

#### First Floor

Remove existing floor covering, repair a redecorate walls and ceilings, Windows, Skirting's, doors stairs and other timber surfaces repaired, cap of redundant services and restore, new electrics, two new doorways installed to two new en-suites, with new bathroom fittings, existing door way trained but boarded over, exist fire place retained.

#### Second Floor

Remove existing floor covering, repair a redecorate walls and ceilings, Windows, Skirting's, doors stairs and other timber surfaces repaired, cap of redundant services and restore, new electrics, removal of modern partitions and doors re-instatement original structures and doors, new bathrooms fittings installed, new kitchen installed.

#### Basement

Windows, Skirting's, doors stairs and other timber surfaces repaired, floor recovered, new electrics installed where required, new carpets, new kitchen and bathrooms fittings installed, tanking membrane system installed, to subterranean retaining walls.

#### External

Repair and maintain external façade features, redecorate with existing colour scheme, External canopy repair and redecorated, all rainwater goods repaired.

The primary issue in this case is whether or not the proposed works required to convert the property to a House in Multiple Occupation would adversely affect the character and appearance of the building in any way or impair its status as a Listed Building.

To assist in making this decision, guidance is given in policy BE6 of the saved Adopted Torbay Local Plan which states that "Development proposals should have special regard to the desirability of preserving any listed building and its setting, or any features of special architectural or historic interest which it possesses." The policy goes on to state that "Proposals for the alteration or extension of any listed building will not be permitted if the character of the building would be adversely affected by the change." This is the basis upon which the current application should be judged.

The previous Listed building and planning application proposed a scheme of works and alterations which were considered to have a negative impact on the Listed building. This application has addressed all the concerns raised in relation to the previous application and removed all elements which had a detrimental effect. This application also now includes reversals of some of the mid 20th-century alterations to the original layout which were detrimental to the original building.

The scheme of work is seen as an enhancement to the listed building and will help preserve it in to the future. There are a number of features which are not necessarily enhancements these include the provision of new internal doorways and the tanking of part of the basement floor, these alteration do however facilitate a new use to the building and are not considered significantly detrimental by the Conservation Officer.

The NPPF also advises that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. In this regard the works are required to bring the building into a viable uses. The works are also combined with the larger scheme of works which are enhancements to the building.

#### S106/CIL -

This is properly considered under the concurrent planning application and is not a matter to be dealt with by this application for Listed Building Consent.

<u>Conclusions</u>
The proposals are considered to help preserve the listed building for the future and are in accordance with the design and heritage policies within the Saved Adopted Torbay Local Plan as well as guidance within the NPPF.

# **Relevant Policies**

BES - Built environment strategy

BE6 - Development affecting listed buildings

BE7 - New uses for historic buildings