



Friday, 2 September 2016

## **DEVELOPMENT MANAGEMENT COMMITTEE**

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

**Monday, 12 September 2016**

commencing at **2.00 pm**

The meeting will be held in the Grace Murrell Suite, Riviera International Conference Centre, Chestnut Drive, Torquay

### **Members of the Committee**

Councillor Kingscote (Chairman)

Councillor Barnby	Councillor Stringer
Councillor Cunningham	Councillor Winfield
Councillor Morey	Councillor Tolchard
Councillor Robson	Councillor Darling (S)

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

**Amanda Coote, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207087**

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# 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 4 - 7)  
To confirm as a correct record the Minutes of the meeting of this Committee held on 8 August 2016.
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. **Land at Alfriston Road, Paignton - P/2016/0462/MPA** (Pages 8 - 30)  
Residential development comprising 83 units, creation of new vehicular and pedestrian access, and associated works.
6. **Former Rossiter and Sons Site, 13-17 Palace Avenue, Paignton - P/2016/0585/MPA** (Pages 31 - 44)  
Conversion of the upper three floors of Nos. 13, 15 & 17 to 15 apartments. Demolition of shop storage to rear and formation of new 3 storey, 17 unit apartment building.

7. **5 Broadsands Road, Paignton - P/2016/0732/VC** (Pages 45 - 50)  
Variation of condition P1 of original Planning Permission P/2014/0899). Erection of two apartment blocks each comprising two 2-bed apartments and two 3-bed apartments (8 apartments in total) with associated parking, following demolition of existing building (re-submission of P/2013/1093) - change roof line- changes to doors/fenestration, provision of external storage.
8. **Dawn, Brim Hill, Torquay - P/2016/0471/HA** (Pages 51 - 58)  
Extensions and alterations to house and garage including side & roof extensions, extended terrace & balcony and raise in ridge height (re-submission of P/2015/1025) (revised description).
9. **68 Barcombe Heights, Paignton - Tree Work Application Report** (Pages 59 - 60)  
To consider a tree work application at the above address.
10. **Exclusion of the Press and Public**  
To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.
11. **Enforcement Update**  
To consider an exempt report on the above.
12. **Public speaking**  
If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) before 11 am on the day of the meeting.
13. **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 September 2016. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

**Note**

An audio recording of this meeting will normally be available at [www.torbay.gov.uk](http://www.torbay.gov.uk) within 48 hours.



## Minutes of the Development Management Committee

8 August 2016

-: Present :-

Councillor Kingscote (Chairman)

Councillors Barnby, Brooks, Morey, Robson, Stringer, Tolchard and Winfield

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### 15. Apologies for absence

An apology for absence was received from Councillor Pentney.

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 Brooks instead of Councillor Cunningham.

### 16. Minutes

The Minutes of the meeting of the Development Management Committee held on 11 July 2016 were confirmed as a correct record and signed by the Chairman.

### 17. Urgent Items

The Committee considered the item in Minute 18, and not included on the agenda, the Chairman being of the opinion that it 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.

### 18. Former Jewson Ltd, St James Road, Torquay (P/2015/1225)

The Committee was advised by the Team Leader, Development Management, that at the Development Management Committee on 14 March 2016 approval was granted subject to a Section 106 Legal Agreement being completed within three months of the date of the Committee. A further request had been made for an extension of time to sign the Section 106 Legal Agreement.

Resolved:

That an extension of 1 month from the date of this Committee for the signing of a Section 106 Legal Agreement be approved.

**19. Land West Of Brixham Road, Paignton - P/2016/0094/MPA**

The Committee considered an application for the erection of 42 dwellings and associated infrastructure (revised documents received 6 June 2016).

Prior to the meeting, written representations were circulated to members. At the meeting Luke Waldron addressed the Committee in support of the application.

Resolved:

Refused for the following reasons:

- i) The proposal would constitute an overdevelopment of the site and fail to deliver a high quality living environment or a good standard of amenity for future occupants as a result of poor quality landscaping, dwellings of inadequate floor space, lack of useable private amenity space and a poor parking arrangement in terms of numbers and distances from dwellings they serve contrary to paragraph 17, 56 and 58 of the National Planning Policy Framework and policies SS11, H1, DE1, DE2, DE3, C4 and TA3 and associated Appendix F of the Torbay Local Plan 2012-2030;
- ii) In the absence of any signed legal agreement or upfront payment under Section 106 of the Town and Country Act 1990 (as amended), the scheme fails to satisfy the objectives of Local Plan Policy SS6 and SS7 and the Council's SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" and the associated "Update 3 Paper", which seek to secure the delivery of physical, social and community infrastructure directly related to the development and necessary to make it acceptable in spatial planning terms. In the absence of secured contributions in line with the adopted policy the proposal is therefore contrary to Policy SS6 and SS7 of the Torbay Local Plan 2012-2030 and guidance outlined within paragraphs 203 and 204 of the National Planning Policy Framework; and
- iii) The proposal fails to make appropriate provision for affordable housing in line with Policy H2 and H3 of the Torbay Local Plan 2012-2030 and in the absence of the a viability assessment to justify a lower level of affordable housing provision the proposal is contrary to Policy H2 and H3 of the Torbay Local Plan 2012-2030.

**20. Land West Of Brixham Road, Paignton - P/2016/0188/MRM**

The Committee considered an application for the approval of appearance, landscaping, layout and scale in relation to a sports pavilion and associated development including a sports playing pitch, multi-use games area and car park (proposal/description amended 5 April 2016).

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

Resolved:

Approval delegated to the Executive Head Business Services in consultation with the Chairman and Vice-Chairman, should further information not be submitted within 2 months from the date of this Committee the application be refused.

**21. Silverlawns Nursing Home, 31 Totnes Road, Paignton, TQ4 5LA - P/2016/0555/MVC**

The Committee considered an application for the variation of conditions application re P/2015/0908/MPA (partial demolition of main building, extension to and conversion of main building to form 11 residential units, conversion and raising of roof of outbuilding to south western corner of site to form 3 residential units and erection of new building to south eastern corner of site to form 4 residential units to include new vehicular access on to Midvale Road and lane to south of site, parking provision for 18 cars and landscaping scheme.) - Vary condition P1 to include one additional residential unit within the proposed new building to the south eastern corner of site.

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

Resolved:

Approved subject to:

- i) the conditions set out in the submitted report with final drafting and determination of appropriate planning conditions being delegated to the Executive Head for Business Services.

**22. Land At Brixham Road, Yannons Farm (Area D), Paignton - P/2016/0610/MRM**

The Committee considered an application for the submission of Reserved Matters relating to layout, scale, appearance and landscaping in relation to P/2015/0124 (Hybrid application. Full planning application for 70 dwellings, related infrastructure, landscaping, play areas and a hill top park. Outline planning permission for up to 70 dwellings with all matters reserved except for access).

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

Resolved:

Approved subject to:

- i) the receipt of a satisfactory consultation response from the Landscape Officer; and

- ii) any necessary conditions required (in support of those imposed at outline stage) being delegated to the Executive Head for Business Services.

**23. 76 Warbro Road, St Marychurch, Torquay, TQ1 3PS - P/2016/0371/PA**

The Committee considered an application for the change of use from printers' workshop to MOT testing station, including installation of an MOT lift (additional information received 20 July 2016).

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to Members. At the meeting Jacqueline Blenkinsop addressed the Committee against the application.

Resolved:

Refused, for the reasons set out in the submitted report.

**24. Holme Court, Lower Warberry Road, Torquay, TQ1 1QR - P/2016/0545/PA**

The Committee considered an application for replacement balconies to the south, east and west elevations (description amended 22 July 2016).

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

Resolved:

Conditional approval subject to, no further representations being received during the consultation period that have not been previously considered by the Development Management Committee.

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Chairman/woman

# Agenda Item 5

**Application Number**

P/2016/0462

**Site Address**

Land At Alfriston Road  
Paignton  
Devon

**Case Officer**

Mr Scott Jones

**Ward**

Blatchcombe

**Description**

Residential development comprising 80 units (revised from 83 as per revised plans received 30.08.2016), creation of new vehicular and pedestrian access, and associated works.

**Executive Summary/Key Outcomes**

The proposal is for full planning permission for the construction of 80 dwellings (reduced from 83 dwellings initially submitted) with vehicular and pedestrian access and associated works on land off Alfriston Road, Paignton.

The site is a tree and hedge lined grassed field of approximately 1.64 hectares that slopes down from the northwest to the southeast. To the north and west there are open fields, to the south and east lies residential development that dates from the 1990s.

The site is identified as a Committed Development Site within the Torbay Local Plan and sits in a wider Great Parks Phase 2 Masterplan area, where it is part of a residential character zone within the existing (but unadopted) masterplan document. Consequently the application supports the delivery of Local Plan policy (SS2; SS12) and helps meet the 5 year housing land supply. The proposal will also support the delivery of new jobs, creating approximately 3 FTE jobs for a year for every house built and will subsequently create approximately 26 FTE jobs from the demand for local services etc within the local economy.

Permission for 84 dwellings was granted for this site in 2014. This remains as an extant permission over the land and is a material consideration for the consideration of the current scheme.

Following revised plans the proposal is for a mix of detached, semi-detached and short terraced housing to provide 80 dwellings. The general scale, form and development pattern is considered acceptable, with buildings set in a perimeter block arrangement that presents active streets framed with buildings. This follows good urban design techniques and largely echoes the development character of earlier phases.

It is considered acceptable for the development to initially be accessed off Alfriston Road (and Cotehill Drive/Kings Ash Road junction), in-line with previous



consideration for the 84 dwellings approved in 2014, subject to 2 key parameters (as per Local Plan policy SS7). Firstly if the development is built out at the same time or follows the wider masterplan area and proposed new junction near to Spruce Way, the development should contribute to the provision of the strategic infrastructure of this new junction and vehicular access should be from the north and the Alfriston Road access should then be restricted for buses, waste collection, cyclists and pedestrians only. Secondly, should the development come forward prior to the northern masterplan area and access, as appears likely, and require vehicular access from Alfriston Road then this access should only be temporary until such time as the northern vehicular link can be made and also, as the Cotehill Road junction is nearing capacity, improvements to this junction must be secured to increase its capacity to allow the development to proceed by 2018 if commenced/occupied, or prior to occupation of the dwellings if the development proceeds later than 2018, and use this junction until such time as the northern link can be made.

By securing the above the development is considered to present the ability to link to and be served from the north when the northern area of the masterplan area permits, which aligns with the masterplan for the area, whilst mitigating its impact by increasing the capacity of the current junction and permit early delivery of the site. This strategy mirrors that secured through the proposal approved in 2014 and can be achieved through a S106 legal agreement.

The highway layout within the site is considered acceptable as the central south-north spine provides opportunity to connect northwards when future phases of the masterplan area come forward, in-line with the aspirations outlined above. To ensure delivery of a strategic highway link northwards the accompanying S106 legal agreement will have to secure that highway is built to the edge of the site and any land between this and the edge of the site shall be conveyed to the Authority for a negligible fee.

The residential environment is considered generally acceptable, with adequate internal living spaces, private gardens for all dwellings, and with at least two car parking spaces provided for each plot through a mix of garaging, driveways and parking courts. There are however 20 units that have two car parking spaces where the garage space within this provision does not accord with the size guidelines within Appendix F of the Local Plan. This presents non-compliance with policy and should be addressed through increased garage sizes or by other means. The matter is with the applicant to respond to officer concerns on this and Members will be updated at the Development Management Committee meeting.

In addition to the above parking matter there are still a number of issues to be resolved with the design of the scheme to improve the residential environment, which chiefly relate to gaining clarity on achieving unimpeded pedestrian access routes to certain dwellings, improvements to the pedestrian link to Luscombe

Road and clarity on the detail of the adjacent pocket of open space, and minor detail on certain dwellings to improve natural surveillance of public areas. Members will also be updated on these matters.

The applicant proposes to provide a policy compliant level of affordable housing at 30% for a Greenfield site and greater than the extant scheme which delivered only 15%. Officers are negotiating with the applicant over the acceptable location, mix and tenure of these units and Members will be updated.

The development shall contribute to the 5 year land supply and deliver development aligned with strategic Local Plan policies and the emerging Great Parks Phase 2 Masterplan. It will also contribute to economic prosperity by delivering the aforementioned jobs through the construction phase and post delivery through jobs linked to the increase in the quantum of housing within Torbay and increased workforce opportunities for employers.

In addition the heads of terms of necessary planning obligations are currently being discussed and the position on this will be reported to Members at the Committee.

### **Recommendation**

Conditional approval delegated to the Head of Planning, Transport and Design; subject to (i) achieving increased level of off street parking provision to officers satisfaction without there being demonstrable harm to the street scenes, (ii) the submission of a surface water drainage solution to the satisfaction of officers, (iii) the submission of detailed proposed levels that provides satisfaction to officers that amenity would not be compromised from unsuitable outlooks or create unsatisfactory urban design outcomes, and (iv) the signing of a s106 legal agreement on terms acceptable to the Head of Planning, Transport and Design by the 27th September, or within 3 months of the date of this committee if an extension of time is agreed between the Authority and the Applicant, otherwise the application be refused.

Appropriate planning conditions to be delegated to the Head of Planning, Transport and Design.

### **Site Details**

The site is located on the western edge of Paignton and is a largely rectangular tree and hedge bordered field that slopes from a high point in the north-west corner to a low point in the south-east corner.

Open fields border the site to the north and west and there is suburban residential development dating from the 1990s adjacent to the south and east.

Strategically the site is presently accessed off the Cotehill Drive/Kings Ash Road junction that serves the existing 1990s housing estate, with an existing short stub

road (Alfriston Road) extending from this earlier development to the southern border of the site.

There is a public footpath (Luscombe Road) along the eastern border of the site.

The site area is 1.64 hectares.

The site is allocated for housing in the Local Plan and identified as a Committed and Deliverable Site, as part of Great Parks Phase 2.

The Council has produced a masterplan for Great Parks Phase 2, which outlines that the site should provide circa 49 dwellings and be accessed from the north through the masterplan area and served off a new access near to Spruce Way. The masterplan was produced in conjunction with local residents and land owners, to facilitate delivery discussions with all landowners. The masterplan was not adopted, does not have weight in the decision making process and can only be considered as indicative.

The site is also part of the Ramshill County Wildlife Site (CWS) and lies adjacent to the foraging zone for the Greater Horseshoe Bat colony at the Berry Head Special Area of Conservation (SAC).

The countryside to the west also forms part of the wider CWS and is identified as a proposed country park within the Local Plan.

### **Detailed Proposals**

The proposals have been revised since the application was originally submitted following discussions between officers and the applicant.

The current proposal is for a residential development with a total of 80 dwellings (previously 83), with vehicular and pedestrian access off Alfriston Road from the south, and pedestrian access on to Luscombe Road to the east, and with a layout that provides opportunity for a future highway link to the north.

The dwellings comprise of 4no. 4-bed properties, 54 no. 3-bed properties and 22 no. 2-bed properties, provided in a range of detached, semi-detached and short terraces of three properties.

30% (24 no.) affordable houses units are proposed through a mixture of two (13no.) and three (11no.) bed properties. The location and tenure of the affordable units is currently being discussed and an update will be reported to Members.

The number of dwellings has been reduced by 3 from the plans originally submitted and the arrangement and type of certain dwellings has also been changed in order to try and respond to points of concern raised by officers. The

changes have been carried out principally in order to achieve at least 2 parking spaces per dwelling and resolve urban design concerns in terms of street scenes, landscaping and the quality of the residential environment.

The proposed dwellings have fairly simple standard designs with pitched roofs and brick or render elevations. The roof forms are chiefly simple gables however there are certain unit types with inset gables and other units feature small dormers within the roofscape that adds interest. The adjacent suburban development that dates from the 1990s (Great Parks Phase 1) presents a similar scale, form and character of buildings to that proposed.

The predominant building finish is brickwork, which echoes the earlier phases, however there are rendered building finishes, which tend to sit around and define junctions.

All dwellings have at least 2 car parking spaces with the smaller units tending to have these supplied in parking courts or through driveways, and the larger dwellings having a mix of driveways and garaging.

A (soft) landscape scheme has been submitted which includes the retention of border trees and hedging and the provision of open plan gardens to the front and numerous street trees (within plot frontages and parking courts) throughout the scheme. No public open space would be provided however there are pockets of space within the scheme which may provide some scope for public enjoyment.

### **Summary Of Consultation Responses**

The following provides a substantive summary of current consultation responses.

*Urban Design Advisor:* The introduction of a pedestrian access to Luscombe Raod is welcomed as it improves permeability and provides for movement into this key pedestrian route. The form of this should be more direct and legible that that which is currently shown.

The initial response to the lack of parking created its own concerns in terms of the resultant quality of the built environment, with parking far too dominant in the street. The current proposal (80 units) is more successful and it is evident that there are reduced runs of parking and strengthened landscaping, with far more tree planting within the street scene.

The relationship with existing green infrastructure requires more understating in order to secure a suitable relationship between retained trees/hedges and dwellings.

Further detail of the treatment of levels is required to understand the necessity and extent of retaining structures and the implications of these on the built form and residential environment.

Natural surveillance should be improved where streets are framed with blank gable ends through the provision of windows within ground floor habitable rooms, which will also add interest in the built form.

*South West Water:* No objection.

*Environment Agency:* The surface water drainage solution should accord with the Critical Drainage Area standing advice and in consultation with the Council's drainage department in their role as the lead local flood authority.

*Drainage Engineers:* As the storage volume for the Great Parks storage lagoon only caters for the phase 1 development, as part of the phase 2 development further works are required at the storage lagoon with a view to increasing the storage capacity in order to reduce the risk of flooding to properties downstream. As this work is required as a result of the proposed second phase of the Great Parks development the cost of these works together with the increased cost of the future maintenance of the storage lagoon should be secured from the developer through S106 funding.

The drainage strategy included within the flood risk assessment mentions that the site may be suitable for sustainable drainage such as soakaways. The scheme though identifies that all surface water drainage will discharge at a controlled rate to the surface water sewer system.

In accordance with the NPPF the developer must follow the surface water drainage hierarchy and investigate the use of infiltration drainage for the site and only if this is not feasible should a controlled discharge to a watercourse, surface water sewer or combined sewer be considered.

Only if the ground conditions are unsuitable for a sustainable drainage system should the surface water be drained to a watercourse, surface water sewer or combined sewer at a controlled discharge rate that accords with the EAs Critical Drainage Area advice.

Before this planning permission can be granted the applicant must supply details to address the points raised.

*Strategic Transport & Highways:* The principal of delivering the development off Alfriston Road (and thus more widely the Cotehill Drive/Kings Ash Road junction) within the current context is considered acceptable subject to securing the ability to link through with the wider masterplan area and being able to secure key highway improvements, be that either to the Cotehill Drive/Kings Ash Road junction, or the proposed junction to serve Greats Parks Phase 2, as identified within the masterplan. What option would depend on the timing of delivery.

Should the development come forward prior to the wider masterplan area to the north and east being delivered, which includes a new access on to Kings Ash Road, then the development would need to provide improvements to increase the capacity of the Cotehill Drive/Kings Ash Road junction, as secured within the previous application which is currently extant.

Contributions to secure improvements would include a financial obligation to provide Cotehele Road/Kings Ash Road (MOVA) signalisation and further improvements to Cotehele Road to improve capacity. It should also outline that when the northern access does become available this would be the main vehicular route and that Alfriston Road would then be amended to become solely for buses, waste collection, cyclists and pedestrians.

These improvements should be secured prior to 2018 if the development comes forward within the next 18 months, or prior to occupation of the dwellings if the development proceeds after 2018, in order to ensure that the increase in the capacity of the junction is achieved at the correct time. Should the development come forward together or after the wider masterplan area and hence have the ability to be served from the north from "day 1", and not via the Cotehill Drive/Kings Ash Road junction, then the contributions should be provided towards the provision of the new junction to serve Phase 2 development and the Alfriston Road access should solely be for the purposes of buses, waste collection, cyclists and pedestrians.

The provision of 2:1 parking in accordance with the Local Plan and the addition of a pedestrian link through to Luscombe Road are welcome amendments to the original submission, although note should be given to garage sizes.

Sustainable transport obligations should be secured in-line with policy to provide improved cycle and walking links around Luscombe Road and Cotehill Drive.

*Arboricultural Officer:* The scheme is suitable in principle for approval on arboricultural merit subject to minor variance to allow space for more significant street tree planting and the revision of proposed tree species to address concern in regard to the lack of significance in terms of some of the trees species suggested.

The supporting tree protection report and plans should be detailed as approved documents for adherence throughout the build if approval follows, to be installed prior to any commencement on site including land stripping and levelling exercises.

*Green Infrastructure Officer:* The site is located within the Ramshill County Wildlife Site and adjacent to the sustenance zone and strategic flyway associated with the Greater Horseshoe Bat Colony from the South Hams SAC.

The impact upon the County Wildlife Site (i.e. the loss of grassland habitat) must be mitigated via a financial contribution to Torbay Council for management and enhancement of habitats within other parts of the County Wildlife Site. This must be agreed and secured prior to determination.

The supporting information details the retention of hedge border and means of separating these from back gardens by chain link fencing. More thought is required on how the longevity and ecological value of these areas is retained.

In addition some further detail is required to ensure that the mitigation strategy is successful, which could be secured by condition, including a CEMP and LEMP conditions, and conditions should be considered to secure biodiversity enhancements such as bird and bat boxes, as identified within the submitted ecological data, and limiting external lighting to the outer borders that address the sustenance zone for the Greater Horseshoe Bats.

*Natural England:* The site is adjacent to the Berry Head SAC sustenance zone and strategic flyway. On the understanding that the proposals will prevent detrimental light spillage (typically 0.5 lux) on the northern and western boundaries it is unlikely that the proposals will present a "likely significant effect" upon the South Hams SAC.

The impact upon the County Wildlife Site (CWS), which is designated for diverse farmland habitat with bird, mammal and invertebrate interest, should be mitigated and the comments of the Council's Green Infrastructure Officer are supported on the point of biodiversity offsetting within the wider CWS.

Biodiversity enhancements should be secured in accordance with paragraph 18 of the NPPF, which may includes considering opportunities for green roofs, landscaping, nesting and roosting bird and bat opportunities and sustainable drainage.

*RSPB:* Comments awaited.

*Council's Ecological Advisor:* Comments awaited.

*Affordable Housing Team:* The proposal provides 30% affordable housing which is policy compliant for a Greenfield site and a welcomed increase to the 15% secured within the extant scheme.

The location and tenure of these units should be agreed with the Council's Affordable Housing Manager prior to the grant of consent and secured by S106 agreement.

*Police Architectural Liaison Officer:*

Advice includes that all rear and accessible side boundaries should be safe and

secure in order to design out the opportunity for crime. This is unclear on the plans. The plans do not detail rear gates and this detail should be secured. Retained hedges are best not left in the ownership of households due to potential maintenance issues and unacceptable management or removal. A secured maintenance strip is recommended and defined by a more definitive border treatment than a chain link fence, such as a 1.8m high fence. Natural surveillance should be carefully designed in to the design to ensure against the opportunities for antisocial behaviour to plots that may be vulnerable to crime where there is easier access to the side or rear of plots. Adequate space for parking and manoeuvring should be secured to design out the opportunity for conflict between residents.

*Schools Capital and Planning Manager:* Planning obligations to secure additional school capacity in the Paignton area should be secured.

*Community Safety Team:* No objection.

### **Summary Of Representations**

There have been circa 20 letters of representation objecting to the application. The following material considerations were raised:

- The junction at Cotehill Drive/Kings Ash Road will not cope with the additional traffic
- The road network within the estate will not cope with the additional traffic or construction traffic
- Impact of construction traffic on amenity
- The development should not come forward prior to the northern access near to Spruce Way being delivered
- The development doesn't respond to the additional traffic that is found on Kings Ash Road
- The development fails to respond to the principles of the phase 2 masterplan
- The density proposed is too high
- The proposal will increase parking pressures in the area
- Drainage concerns
- Overlooking and loss of privacy
- The landscape strategy proposes large trees close to properties
- Construction traffic should be retained within the site as the roads do not have capacity for this additional pressure
- Lack of amenities for more housing
- Impact upon wildlife.

### **Relevant Planning History**

P/2012/1074 - Residential development to form 84 dwellings, creation of new vehicular and pedestrian accesses and associated works (revised) - Approved 20.03.2014 - Subject to a S106 legal agreement (which included financial



obligations to highway infrastructure, drainage infrastructure, biodiversity mitigation, greenspace, hedgerow management, local centre provision, waste management facilities and affordable housing.

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

The key issues are:

1. The principle of the development
2. Highway and movement issues, including the capacity of Cotehele Drive/King's Ash Road junction
3. Design
4. Car parking
5. Privacy and amenity
6. Ecology
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 SDP3.2), being part of a wider identified "Committed and Deliverable Development Site".

The site lies within a Strategic Delivery Area (as outlined above) and with an extant permission providing an existing commitment for housing on the site the Local Plan identifies that it is expected to form part of the earlier delivery of the wider housing need.

As an allocated site the principle of the proposal is considered to be aligned with the ambitions of a number of strategic local plan policies, principally Policies SS1 (Growth Strategy for a prosperous Torbay), SS2 (Future Growth Areas) and Policy SS3 (Presumption in favour of sustainable development).

In terms of a site specific context the principle of housing is considered to accord with the emerging Great Parks Phase 2 masterplan, which identifies the site as a residential character zone within the wider masterplan area. To accord with the strategic goals for the area consideration should be given to aiding the delivery of strategic infrastructure regarding the new access identified within the masterplan (Spruce Way) and the delivery of the new local centre proposed in the masterplan area. The former will be discussed in the following "highway impact" section of this report, the latter is raised within the "S106 Obligations" section.

It is apparent that the proposed number of units is greater than the existing masterplan expectations for the site, where it is expected to deliver circa 49 dwellings, however the number of units should be considered on its own merits in accordance with local and national policy in order to deliver the efficient use of land. As a material consideration there is an extant permission for 84 over the

land.

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, 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, the application should be approved unless its impacts are significantly greater than its benefits, taking into account the policies in the NPPF.

## 2. Highway and Movement, including the capacity of Cotehele Drive/King's Ash Road junction

The application proposes a similar access and highway layout to that approved in 2014 (for 84 dwellings), with an initial access off Alfriston Road but with a road alignment within the site that can secure a link with future development within the wider masterplan area to the north. The future link is achieved through the provision of a highway to the northern edge of the site within the plans.

The extant proposal for 84 dwellings approved in 2014 is a material consideration and this confirmed that the Cotehele Drive/King's Ash Road junction had enough capacity to cope with the traffic generated by 84 dwellings until 2018. It also established that the provision of MOVA traffic signals at the junction would extend this capacity by about 1 year before further works to widen and increase the capacity would be necessary if access from the north had not been established within the intervening 12 months.

Taking the aforementioned conclusions the previous proposal was considered to be acceptable on highway grounds as by the time the Cotehele Drive/King's Ash Road junction was expected to go over capacity (in 2018/2019), it was suggested that the rest of Great Parks Phase 2 would have been built, including the access road to the site from the northeast, which would have permitted the access from Alfriston Road to be closed to vehicular traffic except for buses. There was consideration of the scenario of a delay beyond 2018/19 for a northeast access and if the link was not built prior to 2018/2019 (when the Cotehele Drive/King's Ash Road junction was to go over capacity), the funding towards the new access was to be spent instead on upgrading the existing junction to ensure that it operates within capacity, until such time that the development could link northwards. The mechanism to achieve this was secured through a S106 Agreement.

The current proposal presents similar issues to that of the extant permission in terms of raising two key questions on strategic layout and capacity.

In terms of strategic layout the proposal presents a similar arrangement to that of the extant permission, where it seeks an immediate access off Alfriston Road in order to permit the site to be delivered rather than be dependant on the wider masterplan area coming forward off a new junction near to Spruce Way. The internal highway arrangement within the site therefore includes a future highway link to the wider masterplan area and as the proposed development can eventually be served via the new access to Great Parks Phase 2, it is considered to accord with the strategic highway expectations for the area.

In regard to capacity the proposal for 80 dwellings would not present any additional pressure upon the highway network above that of the extant permission approved in 2014 for 84 dwellings. Both schemes propose an immediate access off Alfriston Road in the absence of development and access opportunities from the north. It was previously concluded that the impact on the Cotehill Road/Kings Ash Road junction would present capacity issues from 2018 onwards and this was addressed by the assumption that the previous development could be served from the wider masterplan area by that time, or if not that the Cotehill Road junctions' capacity would need to be increased. It remains that the desired scenario is that the development is, from day one, served off a new access in-line with the Great Parks Phase 2 Masterplan. However in the absence of this opportunity it is accepted that the development can be adequately served off the Cotehill Road/Kings Ash Road junction until such time that the link can be made, subject to junction improvements being secured to increase its capacity.

In order to provide an acceptable highways solution it is proposed that the issues around the strategic highway layout and capacity are addressed within an accompanying legal agreement in a flexible manner in order to respond to the context of the delivery of this site and the wider masterplan area (and the need or not to use the Cotehill Road/Kings Ash Road junction).

It is proposed that correct delivery of vehicular access is addressed by securing a link to the north and highway contributions to help deliver the new proposed junction opposite Spruce Way, in order that the site is only ever served from the north should the link be in place. But in the absence of this if the site, as somewhat expected, comes forward prior to the wider masterplan area, then the proposal instead ensures that the capacity of Cotehill Road/Kings Ash Road junction is increased in the interim to mitigate any impact upon this junction and that there is then also a mechanism to link through to any future northern access and then alter/restrict the Alfriston Road access as necessary in the future. In this scenario should the development come forward prior to 2018 then MOVA light system enhancements should be secured to increase the capacity of the junction in 2018 which will prolong the capacity of this junction by 12 months. If in the intervening 12 months the northern access becomes an option then financial obligations should be secured to help achieve this link. If the northern link isn't a practical option at this point then financial obligations to widen and

increase the capacity of the Cotehill Road/Kings Ash Road junction should be secured. In all scenarios the principle of the northern access becoming the main vehicular route when available and the Alfriston Road changing to a strategic bus/waste/cycle/pedestrian route should be enshrined within the accompanying S106 agreement.

Strategically as the site has been designated for housing through both the previous and new Local Plan the Council's 2010 SATURN transport modelling accounted for the site and its strategic impact upon the Western Corridor, which informed the strategic designation for sites in the new Local Plan. The accompanying Transport Assessment update has confirmed that the development would have no net increase upon the extant permission and hence the current proposal has no impact upon the wider strategic network compared to the extant permission.

In regard to related highway matters should planning permission be granted, local residents' concerns regarding the impact of construction traffic on the estate roads and local amenity could be adequately addressed through a condition for a Construction Method Statement requiring these details.

Based on the above matters being addressed the proposal accords with Policy SS7 (infrastructure, phasing and delivery of development), TA1 (Transport and accessibility), and TA2 (Development Access) of the Local Plan, being subject to securing funding towards the new access to Great Parks Phase 2, or improvements to the Cotehele Drive/King's Ash Road junction (and future amendments to the Alfriston Road), through a S106 Legal Agreement.

Para. 32 in the NPPF states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". The consultation response from the Council's Strategic Transport and Highway officer confirms that providing the provisions outlined above are secured in the S106 agreement the impact of the development on the highway network would be acceptable.

### 3. Design

To date, the proposed design layout of the scheme has been revised twice.

The first was in response to officers concerns over the limited parking as almost a third of the dwellings were only provided with one parking space each, and also over the apparent lack of a pedestrian link to Luscombe Road, which was considered strategically important.

The first revision responded positively to officers concerns in regard to parking and provided at least two parking spaces per dwelling, whilst also introducing a pedestrian link to Luscombe Road, which improved the pedestrian permeability and therefore sustainability of the scheme. The revision did however raise

concerns in regard to the resultant impact upon the quality of the urban environment due to the visual impact of the additional parking, and also the actual quality of the pedestrian link.

The second revision, which is now before members, reduced the number of dwellings from 83 to 80 and has proposed further layout changes to try and address officer concerns from the revised draft plans.

The main change that accompanies the reduction in dwelling numbers is the reduced provision of driveways for house types that previously proposed two driveway spaces and an integral garage. These units now mainly have only one driveway space to supplement the integral garage, which has freed up space and permitted a greater degree of tree planting through the public/private realm to soften the street scene. In addition it should be noted that there is also a change to certain house types to further lessen the prominence of parking and soften the street scene. The plans also show an increase in the size of the detached garages in order to accord with Local plan size guidelines. The revised plans also provide greater clarity on the existing and proposed landscaping through the scheme.

In regard to the second revision now before members, officers make the following observations:

The general layout is considered acceptable with a form of perimeter development providing streets that are presented with active frontages to frame the public realm. The general scale of buildings is considered acceptable with a predominance of two storey buildings, some with accommodation within the roof, being comfortably aligned with the domestic scale of the established suburban environment. The form of buildings, with brick and render finishes under simple pitched roofs, is also considered acceptable, again being comfortably aligned with the already emerging local character.

In regard to the residential environment the dwellings are considered adequately sized and are afforded suitable levels of natural lighting in order to present a good quality internal environment for occupants. The garden sizes generally accord or exceed the estimated requirement outline within Policy DE3 (Development Amenity) of the Local Plan, which outlines an expected provision of 55 sq m of usable garden space for dwellings. Where this level of garden space is not met the gardens are relatively open and the provision is not considered poor in terms of general scale. There remains concern over the quality of access to certain dwellings where there could be restricted access to plots when cars are parked within designated spaces. This matter has been raised with the applicant as officer concerns remain that clear access to certain plots could be obstructed by cars, which would create a poor residential environment.

There has also been a concerted effort to provide 2 parking spaces to accord with the Council's parking requirement following the initial submission. Presently all dwellings have been provided 2 spaces, through a mix of parking courts, driveways and garages. However although the detached garages accord with the size guidelines within the Local Plan the integral garages do not meet the internal size guideline of 3.3m wide by 6m deep and therefore should not be considered as part of the parking provision. Therefore 20 units, those which are subject to only one driveway space and one (non compliant) integral garage, are considered to provide inadequate parking provision and officers are seeking a response on this matter from the applicant with the endeavour to provide policy compliant parking (which does not demonstrably effect other aspects of the scheme such as landscaping). Members will be provided with an update on this matter.

The current proposal provides a strengthened landscape provision in comparison with that which was previously shown, with public trees (within front gardens and parking courts) forming a bolder landscape concept to support the retained landscaping around the boundary of the site. The comments of the council's Arboricultural Officer on the amended landscaping are pending and members will be updated. However, without prejudice, the current proposals appear to present the potential to suitably soften the built environment subject to agreement on species, planting detail and maintenance.

There is no apparent public open space on the site or provision of green infrastructure, however there is potential more widely for greenspace in the area and the land to the west is identified as a public park within the Local Plan. A contribution towards providing greenspace elsewhere on Great Parks Phase 2 or nearby would be acceptable in the context. There are pockets of space that may require further consideration so as not to be simply "space left over", the most notable being in the north-east corner adjacent to the pedestrian link.

Based on the above, subject to resolution of the parking provision, access to properties and landscaping, the proposal is considered to provide an acceptable design and residential environment, in accordance with Policies DE1 (Design) and DE3 (Development amenity) of the Local Plan.

#### 4. Parking

The Council's parking standards outline an expected requirement of 2 garages/car parking spaces per dwelling within the curtilage. The location of the development site, on the edge of Paignton, means that this provision should be met.

The current proposal shows that all dwellings are afforded at least two car parking spaces. However 20 units are supplied with 2 spaces where one of these is a garage that does not accord with the size guideline within the local plan, where garages should be at least 3.3m wide by 6m deep in order to count

as a parking space. The guidance is that these should hence not be considered as part of the parking provision.

The applicant has reduced the number of driveway spaces to try and reconcile concern from officers on the lack of landscape potential to soften the built form. This has in turn created an issue on a lack of parking where the garages are undersized.

In regard to context 12 dwellings within the extant scheme were approved with only one car parking space in 2014 so that current scheme not only fails to accord with the new local plan but also presents a worsening in terms of under-provision when compared to the extant scheme.

Officers have raised the lack of parking / inadequate garage sizes with the applicant and have requested a positive response on the provision of policy compliant parking that does not demonstrably weaken the landscape offer (or wider urban design quality of the scheme). Members will be updated.

Therefore, at present the proposal does not accord with Policy TA3 (Parking requirements) or DE1 (Design) and DE3 (Development amenity) of the Local Plan. In the event that that applicant does not change the level of off street parking provision, the submitted level falls below the standard needed to meet the requirements of Policy TA3, and the proposal should therefore not be supported.

#### 5. Amenity

The separation distances between the proposed dwellings and existing properties surrounding the site are satisfactory in order to maintain adequate levels of privacy and amenity. It is noted that the existing hedge and tree borders are to be retained which aid in retaining suitable levels of detachment and privacy.

The separation distances between the proposed dwellings within the development are considered acceptable. Back-to-back distances exceed or are close to 20m in all cases which provides adequate privacy between houses. There are back-to-side relationships within the layout and the distances also provide adequate privacy and natural lighting.

There is no public open space proposed within the site and it is proposed that a public open space contribution should be secured in accordance with the Council's Planning Obligations and Affordable Housing SPD in order to address local need resulting from the development. In this location the obligation can contribute to the creation, management and maintenance of the proposed Great Parks Countryside Park, which is identified within the Local Plan and is in close proximity to the site.

Therefore, in terms of privacy and amenity, the proposal accords with Policy DE3 (Development amenity) of the Local Plan.

## 6. Ecology

The site is located within a County Wildlife Site (CWS) and is close to the sustenance zone and strategic flyway of the Greater Horseshoe Bat colony associated with the South Hams SAC at Berry Head.

The existing hedge and tree borders are to be retained however certainty on the retention and management of the hedgerows should be secured through condition. There will be an impact upon the CWS through the loss of the central grassland habitat and this can be mitigated and the Council's Green Infrastructure Officer has proposed that the impact of the development could be offset by a financial contribution to Torbay Council for the management and enhancement of other habitats within the wider CWS. This strategy is supported by Natural England.

In regard to the impact upon the Berry Head SAC sustenance zone and strategic flyway Natural England are content that, on the understanding that the proposals will prevent detrimental light spillage (typically 0.5 lux) on the northern and western boundaries, it is unlikely that the proposals will present a "likely significant effect" upon the bat colony.

The comments of the Council's ecological advisor are pending and will be reported to members on the day in terms of the impact upon the SAC and any conditions necessary. Comments from the RSPB are also awaited and any response will be reported to members at the Committee.

Both Natural England and the Council's Green Infrastructure Officer have highlighted the requirement for achieving biodiversity enhancements, in order to comply with paragraph 18 of the NPPF and also Local Plan policies.

In order to adequately address the ecological constraints it is suggested that conditions are secured to address the construction phase through a CEMP (construction and ecological management plan), to secure detail and mitigation in regard to the landscaping through a LEMP (landscape and ecological management plan), compliance with the mitigation measures outlined within the submitted ecological strategy, to include the provision of 25 bird boxes and 20 bat boxes, and the submission and approval of a lighting scheme designed in consultation with a suitably qualified ecologist and restriction on external lighting to dwellings facing the identified dark wildlife corridor.

Subject to the comments from the councils' ecological consultant, who is considering the likely significant effect upon the South Hams SAC, and any forthcoming comments from the RSPB, the matters outlined above can be adequately addressed through planning conditions and a financial payment for



agreed mitigation on the CWS. On the basis of addressing the points above, the development is considered to provide development that accords with Policy NC1 (Biodiversity and geodiversity) of the Local Plan.

It is noted that the financial contribution for biodiversity offsetting should be secured in a S106 Agreement and has yet to be agreed.

#### 7. Surface water drainage

The Council's Drainage Department as the Lead Local Flood Authority has outlined that the proposed drainage strategy does not accord with Local Plan policy or the Environment Agency's CDA (Critical Drainage Area) advice, as it proposes that surface water will be discharged to the public sewer at a controlled rate without firstly exploring and discounting soakaways.

In accordance with the NPPF and Local Plan Policies and EA guidance the developer must follow the surface water drainage hierarchy and investigate the use of infiltration drainage for the site and only if this is not feasible should a controlled discharge to a surface water sewer be considered.

In order to address the above the developer must carry out trial holes and infiltration tests at the location and invert level of all the proposed soakaways as these infiltration tests are required in order to confirm whether or not that the ground conditions are suitable for soakaways, and inform the design of any required soakaways. All details of these trial holes and infiltration tests must be submitted with the detail design and any soakaways must be designed for the critical 1 in 100 year storm event plus an allowance for climate change.

Until the above is addressed the proposal is not suitable for planning approval.

Should any part of the surface water runoff from the site drain into the main sewer a financial contribution towards works to increase the storage capacity of the Great Parks storage lagoon situated on the Clennon Valley watercourse and its maintenance should be achieved. 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. This should be secured in a S106 Agreement, which accords with the methodology taken with the extant permission approved in 2014.

At present the proposal fails to accord with paragraphs 99-104 of the NPPF with reference to managing flood risk and fails to accord with Policies ER1 and ER2 of the Local Plan and the Environment Agency's CDA (May 2015) advice leaflet.

The above should be addressed prior to the grant of permission. The matter has been raised with the applicant and members will be updated.

#### 8. Affordable Housing

The proposal would provide 30% affordable housing in accordance with Policy H2 of the Local Plan for a Greenfield Site. This equates to 24 affordable units within this scheme.

Although there is a policy preference for the affordable housing to be provided on the basis of 33% social rent, 33% affordable rent and 33% shared ownership/intermediate, the tenure proposal is currently being considered by the Council's AH Manager.

As a point of context the extant permission for 84 dwellings provided 15% affordable housing (13 units) having been assessed under the viability process.

The proposal is for 24 units of affordable housing, 13 x 2-bed and 11 x 3-bed and is currently being discussed on the basis of providing 17 social rent and 7 shared ownership homes.

Negotiations are ongoing and the latest position will be reported at Committee.

#### **S106/CIL -**

The following contributions are required in accordance with Policy SS7 of the Local Plan and the Planning Contributions and Affordable Housing SPD:

- o Waste Management (Site Acceptability): £4,000
- o Sustainable Transport (Sustainable Development): £122,245.00
- o Education (Sustainable Development): £38,035.00
- o Greenspace and Recreation (Sustainable Development): £95,505.00
- o Lifelong Learning (Sustainable development): £15,870.00

Figures have been calculated for the revised number of dwellings (80) and are based on the provision of 24 affordable housing units of which 7 are shared ownership.

In addition, the following further site acceptability contributions are required in order to mitigate direct impacts as identified within this report:

#### *Highway impact mitigation*

Obligation for contribution towards either the Great Parks Phase 2 access, or junction improvements and the provision of MOVA traffic signals for the Cotehill Road/Kings Ash Road Junction, subject to when the site is delivered compared to the wider masterplan area.

Should the site come forward to permit initial access from the north then the proposal should contribute £127,000.00 towards the delivery of the Spruce Way junction.

Should the site come forward prior to this then £30,000.00 should be secured to

provide a MOVA light system for the Cotehill Road/Kings Ash Road junction by 2018 or prior to the first occupation if after this date, and £120,000.00 should be secured by 2019, or prior to the first occupation if after this date, for further improvements works to increase the capacity of this junction.

Should the northern access come forward within 12 months of the provision of MOVA lights then the subsequent infrastructure obligation should be diverted towards the delivery of the Spruce Way junction.

Should the development come forward in conjunction or after the wider masterplan area £127,000.00 should be secured to aid the delivery of the new junction close to Spruce Way.

*Biodiversity/County Wildlife Site (CWS) offsetting mitigation*

Biodiversity/CWS offsetting mitigation: Sum to be agreed. It is proposed that the impact of the development on the CWS will be offset via a financial contribution to Torbay Council for management and enhancement of habitats within other parts of the CWS (In accordance with paragraph 4.1, Ecological Mitigation Strategy, Green Ecology June 2016 and supported by Natural England's comments dated 18th July 2016).

The level of contribution, area of land for offset, offset strategy and the organisation responsible for delivery of the offset is to be agreed and for a point of information the extant scheme secured £90,429.00 as a mitigation payment.

*Surface Water Drainage impact mitigation:*

Upgrading and maintenance of Great Parks storage lagoon dependant on the schemes surface water drainage connection (whole or in-part) in to the public surface water sewer system.

The extant scheme presented a mixed drainage solution of dealing with drainage within the site via soakaways and connecting to the public surface water sewer system.

This previous solution required a financial mitigation of £225,869.00 (index linked) for improvements to the capacity of the Great Parks storage lagoon.

As indicated the mitigation, if necessary, will be dependent on the agreed surface water treatment strategy, which is presently undetermined.

*Local Centre provision:*

A contribution is required towards the provision of a Local Centre elsewhere on Great Parks Phase 2. The sum to be agreed. For information the extant scheme approved in 2014 provided mitigation to the sum of £27,720.00 (index linked).

*Affordable Housing*

30% affordable housing is also required, as previously discussed.

Any update on this position will be reported at Committee.

The above contributions have to be recalculated should there be any reduced number of dwellings in any subsequent plans or alterations to the affordable housing provision.

#### *Justifications*

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 W4.

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 TA1 and TA2 promote sustainable transport modes. The proposed dwellings would generate additional trips and should therefore contribute toward sustainable transport 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 Primary School expansion 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 SS7.

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 Libraries. 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.

The contribution towards junction improvements to Cotehill Road/Kings Ash Road junction is justified to improve capacity for a junction that would otherwise not be capable of the additional traffic generated from the development.

The contribution towards the new access to Great Parks Phase 2 further to the north along King's Ash Road, if available, is considered justified as this is a strategic cost necessary to make the development acceptable.

The contribution required offsetting biodiversity impacts on the site and loss of part of the County Wildlife Site is justified because biodiversity mitigation will not be provided on-site. 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 should surface water from the development site drain into the main sewer, as it 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.

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.

30% affordable housing is justified in Section 3.0 of LDD6. It also accords with Local Plan Policy H2.

### **Conclusions**

The principle of the development is acceptable.

The strategic issues around developing the site prior to the wider masterplan area can be managed through securing a future link northwards.

The constraint of the capacity of the Cotehele Drive/King's Ash Road junction can be overcome through securing funding to pay for improvements to this junction and increase its capacity, in the S106 Agreement, should it come forward before the northern access.

There are still some issues with the design of the scheme that need to be resolved before planning permission can be granted.

The surface water drainage strategy requires further exploration or justification in order to comply with the Council's drainage hierarchy. This must be done prior to issuing a grant of planning permission.

Design issues, in particular relating to the provision and landscape integration of a policy compliant amount of car parking in the scheme, and the ability for unimpeded access to dwellings. These issues require further thought.

In addition negotiations are still ongoing concerning the contributions required to make the development acceptable in planning terms and deliver sustainable development. Contributions are outlined within the report but may need to be

recalculated for any reduced numbers or size of dwellings or AH provision.

Negotiations are still ongoing concerning the proposed mix and tenure of the affordable housing however the proposal is presently policy compliant in terms of there being 30% affordable units.

In light of the above, the recommendation is that the principle of the development should be approved, subject to officers finalising an acceptable drainage solution, parking provision, access detail to dwellings and landscaping detail, along with agreement on the level of contributions required and mix and tenure of affordable housing to be secured in a S106 Agreement.

### **Relevant Policies**

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**Application Number**

P/2016/0585

**Site Address**

Former Rossiter And Sons Site  
13-17 Palace Avenue  
Paignton  
TQ3 3EE

**Case Officer**

Carly Perkins

**Ward**

Roundham With Hyde

**Description**

Conversion of the upper three floors of Nos. 13, 15 & 17 to 15 apartments. Demolition of shop storage to rear and formation of new 3 storey, 17 unit apartment building.

**Executive Summary/Key Outcomes**

The application site is the three upper floors of numbers 13, 15 and 17 of Palace Avenue to include an area of land extending north towards Bishop's Place. The site was previously in use by Rossiter's retail department store and whilst the ground floor has been retained in retail use the upper floors and store areas to the rear have been left vacant. To the rear of the terrace buildings fronting on to Palace Avenue are poor quality extensions.

The site is noted within the Torbay Local Plan 2012-2030 as being within the Town Centre, specifically the Primary Shopping Area with the southern boundary of the site being identified as Secondary Shopping Frontage, and within a Community Investment Area. The site is within the Old Paignton Conservation Area and within the adopted Paignton Town Centre Masterplan area. In close proximity to the site is a grade II listed building and the Bishops Palace Scheduled Ancient Monument. The site is also located within Flood Zone 1 within the Critical Drainage Area.

The proposals consist of the conversion of the upper floors of 13, 15 and 17 Palace Avenue to 15 residential units and the demolition of the extensions to the rear of the Palace Avenue terrace and erection of a three storey building to the rear of the site fronting on to Bishop's Place to accommodate 17 residential units to make a total of 32 units.

The proposed residential units are a mix of one and two bed apartments, 6 of which have been identified as affordable. No parking is proposed, however this is a town centre site and provision is made for on-site cycle storage. An on-site landscaping scheme is proposed as part of the wider development and a biomass boiler is proposed within the basement area.

Subject to the resolution of issues relating to design, drainage, cycle storage and

the biomass boiler, the redevelopment of the site to provide good quality residential units is considered acceptable. The proposal will result in the regeneration of a currently redundant floor space to the benefit of the wider conservation area, whilst providing new good quality homes, of which a proportion could be affordable. The additional landscaping provided on the site is considered favourably both in terms of the character and appearance of the wider area and biodiversity subject to the inclusion of conditions. Whilst no parking is provided on site, the site is in a highly sustainable location and pedestrian access will be improved. Subject to the inclusion of a higher cycle storage provision and a section 278 agreement to secure pedestrian access improvements, on balance the proposal is considered acceptable in terms of highway and pedestrian safety. The design of the proposal requires further revisions, and revised plans are expected.

### **Recommendation**

Conditional approval subject to the conclusion of a section 106 agreement to secure financial contributions and/or affordable housing provision (subject to Member agreement), submission of revised plans demonstrating an acceptable design, drainage details, increased cycle storage provision and details relating to the biomass boiler; conditions are listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Head of Spatial Planning.

### **Statutory Determination Period**

13 weeks, the determination date was the 23rd August 2016. This has been exceeded to allow the submission of revised plans, drainage details and for the proposal to be considered by the Development Management Committee.

### **Site Details**

The application site is the three upper floors of numbers 13, 15 and 17 of Palace Avenue to include an area of land extending north towards Bishop's Place. The site was previously in use by Rossiter's retail department store and whilst the ground floor has been retained in retail use the upper floors and store areas to the rear have been left vacant. To the rear of the terrace buildings fronting on to Palace Avenue are poor quality extensions.

The site is noted within the Torbay Local Plan 2012-2030 as being within the Town Centre, specifically the Primary Shopping Area with the southern boundary of the site being identified as Secondary Shopping Frontage. The site is within the Old Paignton Conservation Area and within the adopted Paignton Town Centre Masterplan area. In close proximity to the site is a grade II listed building and the Bishops Palace Scheduled Ancient Monument.

The site is also located within Flood Zone 1 within the Critical Drainage Area.

The site is within a Community Investment Area (CIA), as defined by the Local



Plan. CIA's are areas experiencing significant deprivation, indicated by being within the 20% most deprived Super Output Areas in England according to the 2010 Indices of Multiple Deprivation. The Local Plan supports investment in these areas, especially where this can help secure more balanced communities by delivering a mix of employment, family housing, healthcare, childcare, education and local centre facilities - much as is envisaged through the masterplan implementation work.

### **Detailed Proposals**

The proposals consist of the conversion of the upper floors of 13, 15 and 17 Palace Avenue to 15 residential units and the demolition of the extensions to the rear of the Palace Avenue terrace and erection of a three storey building to the rear of the site fronting on to Bishop's Place to accommodate 17 residential units to make a total of 32 units.

The proposed residential units are a mix of one and two bed apartments, 6 of which have been identified as affordable.

The materials proposed include standing seam zinc roofs, steel trims; stone, white render and glass reinforced plastic windows and doors.

No parking provision is proposed as part of the proposal. A cycle store is incorporated into the design to provide 14 cycle spaces. An on-site landscaping scheme is proposed as part of the wider development. A biomass boiler is proposed within the basement area.

### **Summary Of Consultation Responses**

*Historic England:* The greatest impact of the proposals will be to the rear aspects of the site facing onto Bishop's Place. This pre-dates the formation of Palace Avenue and includes significant heritage assets on its northern side. The remains of the former Bishop's Palace originating circa 1100 are scheduled and listed grade II\*. This is a well-preserved monument, including the medieval boundary walls constructed of local red breccia, and a C14 full-height corner tower. The tower is a particularly robust landmark in the street scene, and sits forward of a building line of gabled C19 villas on the north side of Bishop's Place. Its prominence with its contemporary walled enclosure has aesthetic and evidential heritage value that contributes to its overall significance.

The application site includes the redevelopment of a prominent, and one of the commercial centrepieces of G. S. Bridgeman's 1890's expansion of the historic core of Paignton. The former Rossiters department store has sadly ceased to trade, and while the ground floor has maintained a continued commercial use, the upper floors are now vacant. The potential re-use of the upper floors will give the building a positive and sustainable future.

The proposed apartment block, partially situated on the southern side of Bishop's Place will impact upon the setting of the scheduled Bishop's Palace. While the eaves line of the replacement building does not appear dissimilar to that of the existing store buildings abutting the highway, it is advised that the overall massing, particularly when viewed from the eastern approach is not substantially any greater. While views of the scheduled monument would not necessarily be obstructed, a more dominant building on the site would impact upon the view from the junction with Torquay Road.

The design approach of the elevation fronting Bishop's Place could present a more contextual response. The combination of linear off-shoots from the rear of Palace Avenue and the robust rhythm of the gabled villas on the north side could set a befitting precedent for a more articulated elevation. The proposed use of locally indigenous building stone is accepted, as long as this complements other materials and finishes to be used.

The above issues should be addressed and the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

*Senior Historic Environment Officer:* No archaeological issues are foreseen. The potential for Dark Age or prehistoric archaeology is not impossible but is extremely low.

The statement notes that 'the two storey sandstone gable building on the north west corner obscures the proposals almost completely from the Tower's sightlines'. However if the design is good, and to scale, there is no need to fear inter-site views. The interface across Church Path between 1340 and 1840 is one of the most interesting, though disparate, in the whole county.

The treatment, including the demolitions to the rear of the main Palace Avenue block are acceptable. The general form of the curved blocks with north and north-eastern outlooks, considering the east side boundaries is correct also, even though it appears pushed close to the street at the north-west corner.

The stairwell turret attached to the rear of the Palace Avenue block is discordant. The rolling roofscapes as seen in the east elevations do not read well especially as the rear stairwell turret rises above the roof ridge lines of all the new build blocks even when at the further distance. Both west and the south elevations have a formulaic and 'system' repetition of pattern. The north elevation seems rather better by contrast, but the roof storey which has a dormer and two rooflights to each of its four flats (Nos 22-25), would be much improved by two dormers to each flat, one to each internal unit but slightly narrower Green Infrastructure Co-ordinator: The proposal is considered acceptable in terms of biodiversity subject to the inclusion of conditions relating to nesting birds and landscaping and financial contributions towards greenspace and recreation.

*Arboricultural Officer:* The scheme is considered suitable for approval on arboricultural merit given the potential for a clear gain in landscape and visual amenity both publically and privately for potential future residents subject to the inclusion of conditions relating to the submission of detailed landscaping plans including long term management schedules and diagrams and details of proprietary root deflectors and underground cellular root system.

*Design Consultant:* The general proposition of developing the site is supported but several aspects of the design are not yet satisfactorily resolved, and/or require further explanation and justification. The most substantial concern relates to the cramped and awkward arrangement within the interior of the block and, in order to alleviate the problems here, some reduction in the amount of accommodation may be necessary in arriving at a satisfactory layout.

*Environment Agency:* The site is in Flood Zone 1 and the Critical Drainage Area and should be dealt with via the standing advice provided to the Council.

*Drainage Engineer:* Further information is required before planning permission can be granted in relation to surface water drainage.

*Senior Strategy and Project Officer:* The site is in a highly sustainable town centre location, and offers an excellent opportunity for urban regeneration.

It is noted that the proposal has no car parking. In this location it is considered that this is acceptable given the close proximity of shops, surgeries, transport links etc. In addition it is noted that there is an internal courtyard which provides amenity space for residents, and cycle parking is provided. The amount of cycle storage should be increased; however the standard of 66 spaces as per local plan policy is likely to be impractical. The main pedestrian route from the new block will be via Bishops Place and a Section 278 agreement will be required to improve this.

Subject to the resolution of the cycle parking and the required s278 works to improve pedestrian accessibility along Bishops Place, the application is supported.

*Police Architectural Liaison Officer:* Advice and recommendations to design our crime, antisocial behaviour and conflict provided. Concerns raised regarding the zero parking provision.

*Affordable Housing Delivery Officer:* It is to be commended that the scheme will be providing the policy requirement of 20% Affordable Housing, which on a scheme of 32 dwellings will generate 6 affordable homes all of which will be social rent.

### **Summary Of Representations**

3 representations have been received. Issues raised:

- o Concerns regarding construction noise
- o Concerns regarding noise and extra traffic
- o Concerns regarding the unsuitability of the site for this type of development due to the surrounding road network and access to the site
- o Support for the principle of development subject to issues raised in consultation responses being resolved

### **Relevant Planning History**

P/1986/1434 Replacement of dormers APPROVED 13/08/1986

P/1990/0078 Alterations and demolition of single storey toilet accommodation APPROVED 09.03.1990

P/1995/1305 Extend and refurbish storage facility to rear of shop fronting Bishops Place APPROVED 20.12.1995

P/1995/1305 Demolition of rear accessway/conservatory APPROVED 20.12.1995

P/2009/1119 Two additional fire exits to existing shop front APPROVED 01.12.2009

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

The relevant considerations are the principle of the partial demolition of the building and extension and conversion to residential accommodation, the need for town centre regeneration versus affordable housing, the impact of the proposals on residential amenity, highways, drainage, biodiversity, landscaping and the impact of the proposals on the character and appearance of the conservation area.

#### **Principle of residential accommodation**

The application site is within the urban residential area of Paignton and noted within the Torbay Local Plan 2012-2030 as being within the Town Centre, specifically the Primary Shopping Area with southern boundary of the site being identified as Secondary Shopping Frontage. Policy H1 of the Torbay Local Plan states that proposals for new homes within Strategic Delivery Areas and elsewhere within the built environment will be supported subject to consistency with other policies within the plan. One of the specific criteria of this policy notes the objective to maximise the re-use of urban brownfield land and promote urban regeneration, whilst creating prosperous and liveable urban areas. Policy TC1 of the Local Plan states that housing provision, within town centres not covered by primary or secondary shopping frontages together with the reuse of underutilised floor space above existing commercial premises as a source of housing supply

will be supported.

In this instance the upper floors of the building and the storage areas to the rear of the site have been vacant for some time. The re-use of the upper floors of the buildings reflect the aims of policy TC1 and similarly the inclusion of a new building for housing provision to the rear of the site continue to reflect these aims as the northern boundary does not form primary or secondary shopping frontage. In line with policy H1 and TC1 of the Torbay Local Plan, the principle of residential accommodation on this site is considered acceptable.

The site is within the area covered by the Paignton Town Centre Masterplan, adopted by the Council as a Supplementary Planning Document in June 2015. The masterplan emphasises the need to increase footfall and improve visitor experience in the town centre, which this proposal will help achieve. The masterplan confirms that concerted effort is needed to improve the links between Winner Street and the town centre, using appropriate street furniture and materials. Consequently, for town centre developments such as this, there is a need to secure financial contributions (via S106) for public realm improvements in the town centre, in accordance Policy DE1 (19 - 25), policy SS11 (criteria 9) and the adopted Paignton Town Centre Masterplan. The Council's Masterplan Programme Board and Delivery Team have not only focused on the delivery of key sites, such as Crossways and Victoria Centre, but also on increasing the number of residents in the town centre, utilising space above shops for example. This proposal helps support that approach and will help regenerate and transform Paignton town centre.

#### Town Centre regeneration versus affordable housing provision

The applicant has offered to provide 6 no. affordable units as part of this scheme. However, under the terms of policies SS11 (Sustainable Communities) and Policy H2 (Affordable Housing) Members can "agree to a reduction, or zero provision, of affordable homes" on sites in Community Investment Areas. However, "development of such sites will be expected to provide significant benefits to the creation of more sustainable, balanced communities as assessed against the criteria in Policy SS11." There are thirteen criteria in policy SS11, which help the Council assess development proposals in relation to improvements in social, economic and environmental conditions. Consequently the criteria cover a range of issues, including closing the gap between least and most disadvantaged people and neighbourhoods in Torbay; developing a sense of place and identity; creation of well connected, accessible and safe communities; protection and enhancement of the local natural and built environment, where appropriate through planning contributions.

The rationale for policy SS11 (and therefore H2) is explained in the Local Plan text supporting the policy. In essence, Community Investment Areas are likely to be lacking in open market homes, healthcare, childcare, education and local centre facilities. So investment is encouraged to provide these facilities and

opportunities, so long as that investment leads to benefits in the area. The policy includes the use of planning contributions to support refurbishment, bringing vacant property back into use or other environmental improvements, including improved public space. These are the very important issues, alongside priority site development, that the Masterplan Programme Board and Delivery Team are seeking to deliver to support the achievement of one of the Council's top priorities - successful town centre regeneration.

In this instance, if affordable housing were not to be provided on site, the Council could seek a financial contribution equivalent to £85,000 per affordable unit. That equates to £510,000 for this site. A contribution of up to that amount would provide a significant benefit to the area, could support the improvements (to the public realm for example) as set out in the adopted master plan and support town centre regeneration.

Officers recommend that, in accordance with policies SS11 and H2 of the Local Plan, zero affordable housing is provided on this site and, instead, a financial contribution of up to £510,000 is secured via a S106 Agreement to support town centre regeneration. If Members agree this recommendation, further discussion will be required with the applicant to agree the level of contribution.

If the Development Management Committee requires affordable housing on site (rather than a financial contribution to town centre regeneration), then the Local Plan requires that for proposals of 20 or more dwellings on brownfield sites, 20% of dwellings on site will be affordable housing. The proposals include 6 affordable dwellings which is compliant with policy H2 of the Torbay Local Plan 2012-2030. Units 9, 10, 21, 20, 31 and 32 will be affordable in accordance with the information noted within the submitted Design and Access Statement which states that 'as part of the proposals six affordable homes will be provided within the east part of the converted terrace building'. If the size of the units are amended or those indicated to be affordable homes are varied, this would have a bearing on the overall contribution requested due to the level of mitigation afforded to affordable homes. Revised plans are expected to be submitted prior to the Development Management Committee and Members will be updated on this during the meeting.

#### Impact on the Conservation Area

Paragraph 131 of the National Planning Policy Framework states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. At a local level, policy SS10 of the Torbay Local Plan states that development will be required to sustain and enhance those monuments, buildings, areas, walls and other features which make an important contribution to Torbay's built, natural setting

and heritage, for their own merits and their wider role in the character and setting of the Bay.

The Old Paignton Conservation Area Appraisal describes the site as being an important building group, and a key building group that makes a significant contribution to the townscape. The site sits prominently within views along Palace Avenue and Bishops Place and the redevelopment of the site will have an impact on the character and appearance of the wider Old Paignton Conservation Area. The re-use of the upper floors of the building and redevelopment of the wider site for residential use will have a positive contribution to the appearance of the site bringing it back into use.

The conversion of the upper floors of 13,15 and 17 have been carried out sympathetically taking in to account the existing situation on site such that the conversion is not considered to visually impact the frontage on to Palace Avenue. The demolition of the poor quality rear extensions is considered acceptable - unveiling the north elevation of the terrace which is considered worthy of retention. The new building to the rear is considered suitable in scale and an appropriate replacement for the redundant storage space to the rear of the site. The form and basic principles of the design are considered acceptable however there are some elements of the scheme which are not considered appropriate and require revisions to ensure the acceptability of the scheme in terms of the appearance and character of the site and its wider surroundings. The proposed new building will have an impact upon the setting of the Scheduled Ancient Monument, Bishops Palace, being visible in views with the monument from Torquay Road. As noted above the form and basic principles of the design are considered acceptable however further revisions are required to the design to ensure that although visible, the design is such that it complements the setting of surrounding heritage assets rather than resulting in harm.

Revised plans are expected to overcome concerns raised within the consultation responses from the Council's Senior Historic Environment Officer and Design Consultant. The Committee Members will be updated on the revisions during the Committee Meeting.

Whilst the final proposals are yet to be submitted it is recognised that the development will result in some public benefit including securing the optimum use of the buildings and wider site and where harm is identified this should be weighed against such benefits. The scheme will facilitate the wider regeneration of the site and the reuse and restoration of a key building within the Conservation Area allowing positive enhancement of site within the wider street scene. The regeneration of the site offers wider social, economic and environmental benefits through the provision of 32 dwellings of a good standard of amenity and the wider enhancement of the site through the restoration of the site together with good quality landscaping.

This recommendation of approval is subject to revised plans being submitted and should an approval be forthcoming, conditions will be imposed including those relating to window, door, roof light and rainwater good details and external materials.

#### Impact on highway safety and parking provision

The proposals do not include any parking provision. Justification for zero parking provision relies upon the town centre location and availability of community facilities and public transport nearby, together with opportunities to utilise public car parks within the town centre. It is accepted that the site is within a highly sustainable location and appendix F of the Torbay Local Plan states in locations such as town centres where there is a greater choice of transport, the standard may be reduced. In line with comments from the Council's Strategy and Project Officer, the zero parking provision is considered acceptable subject to further cycle storage being provided and improvements to pedestrian access via a section 278 agreement.

On balance and in light of the location of the site, the public transport opportunities and public car parks nearby, the zero parking provision is not considered detrimental nor would it warrant the refusal of the application.

In terms of access, only pedestrian access will be provided to the site. However an area previously used for loading will be modified to a drop off zone across the Bishop's Place frontage. Given the previous use of the site for retail purposes, the proposed use for residential development is not considered to result in any significantly greater impact in terms of traffic movements. The proposal includes only pedestrian access and to improve access to the site a pedestrian crossing point to the north east corner is proposed. Subject to the provision of such works to improve pedestrian access, including improvements to the existing pavement on Bishops Place, the proposal is considered acceptable in terms of pedestrian access and safety.

Representations regarding the impact of the development on traffic and access are noted. Paragraph 32 of the National Planning Policy Framework states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. In this instance the existing use of the site for retail purposes is noted and the proposed use for residential is considered to result in a reduction in traffic movements associated with the site. Vehicular access to the site is restricted to drop-off only, limiting the number of expected trips to the site. In light of this and on balance, it is considered that highway safety is unlikely to be compromised by the redevelopment of this site for residential use nor is it considered to result in a severe impact that would warrant the refusal of the application.

#### Impact on residential amenity

The proposals are separated from neighbouring sites to the south and north by



Palace Avenue and Bishops Place respectively. The impact to those properties to the north and south is considered limited due to the scale of the roads separating them. The properties to the east and west are closer to the proposal however the relationship is not uncommon in built up areas such as this. Having considered the position and scale of the existing buildings on site, together with the orientation of the proposals in relation to those surrounding and the design of the proposals, on balance they are not considered to result in serious detriment to the amenities of neighbouring occupiers by reason of loss of light or by reason of being unduly dominant or overbearing. Due to the proximity of the proposals to the surrounding buildings there is likely to be some inter-visibility between plots. However this type of relationship within the built up urban environment is not uncommon and any potential impact has been lessened due to the design of the proposal which limits direct overlooking. In line with the above the proposals are not considered to result in undue overlooking and as such are considered acceptable in terms of residential amenity.

The proposals include reference to the provision of biomass boiler, however details of extraction and a technical specification for the boiler have not provided. Such details have been requested and once received consultation with the Environmental Health Officer will be carried out. Members will be updated during the Committee Meeting on this point.

Representations regarding the impact of the development in terms of noise and traffic are noted. The impact of the development during construction will be time limited and as such would not warrant the refusal of the application, however in order to limit such impact a construction method statement would be requested via condition. The Bishops Place frontage is largely inactive at present as the rear of the site is currently vacant. Whilst it is accepted that there will be an increase in activity to the rear of the site as a result of the proposal, the proposed residential usage is considered compatible with the surrounding uses and is not considered to result in any serious detriment to the residential amenities of neighbouring occupiers.

#### Standard of residential accommodation

The supporting text to policy DE3 of the New Torbay Local Plan seeks to achieve a minimum size for dwellings and gardens and better designed homes. The unit sizes are broadly consistent with the suggested standards. An area of communal garden space is provided and whilst this is below the suggested standards of the local plan it is not uncommon in town centre locations such as this. The availability of open space in the locality has been taken in to account, as has the quality of the internal accommodation for future residents. Whilst a larger area of open space might be preferable, in light of the surrounding context it is not considered to warrant the refusal of the scheme in this instance. The units are all acceptable in terms of outlook, amenity and design and are considered compliant with the relevant paragraphs of the National Planning Policy Framework which refer to creating good quality living environments and policy DE3 of the New

Local Plan.

Policy W1 of the Torbay Local Plan states that as a minimum, all developments should make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated and with particular reference to residential developments, they should provide adequate space within the curtilage for waste and accessible kerbside recycle bins and boxes. A communal bin storage area has been provided within the development. This has been located towards the entrance of the site in a convenient location for collection. The proposed bin storage facilities are considered acceptable and compliant with policy W1.

#### Landscaping

The application site does not include any trees within the site but one tree exists adjacent to a neighbouring site. The principle frontage to Bishops Place seeks to address the entrance to the site and represents an enhancement to the visual amenities of Bishops Place. Subject to the inclusion of a landscaping scheme appropriate to the character of the Old Paignton Conservation Area the proposal is considered acceptable in terms of landscaping.

#### Impact on biodiversity

The ecological survey states that the building has limited potential for roosting bats and nesting birds. In line with comments from the Green Infrastructure Co-ordinator conditions are recommended to safeguard protected species and ensure the proposed landscaping results in a biodiversity enhancement. Subject to the inclusion of such conditions, the scheme is considered acceptable and compliant with policy NC1 of the New Torbay Local Plan.

#### Impact on drainage

The application site is within the Critical Drainage Area as designated by the Environment Agency. The applicant has indicated that soakaways are not an appropriate solution for this site due to its compact nature and existing basement area immediately adjacent to the site. The surface water drainage system has raised some queries from the Council's Drainage Engineer and further information is expected from the applicant to resolve these issues.

#### **S106/CIL -**

In the event that the application be approved, and subject to Development Management Committee support for zero affordable housing provision on site, appropriate financial contributions will be sought in accordance with the Adopted SPD Planning Contributions and Affordable Housing and in agreement with the applicant.

The contributions would be requested as follows:

Waste Management: £1,600

Education: £8,610

Lifelong Learning: £6,380

Public Realm Improvements: £29,570 (calculated on the same basis as Greenspace & Recreation contributions)

Town Centre Regeneration: up to £510,000 (calculated on the basis of an off-site contribution for affordable housing provision)

No contributions have been requested for sustainable transport as the upper floors were previously in use as retail accommodation which would have incurred more trips than the proposed use as residential units. In line with the Council's Adopted SPD, the sustainable transport contribution sought from retail development would be £10,198 per 100sqm. The application form submitted with the application suggests that 2,250 sqm of retail tradable area will be lost as a result of the application. This figure would mitigate the total sustainable transport contribution to be sought for the proposed residential units and as such no contribution will be requested.

The figures quoted above are based on zero affordable housing provision on site. Were affordable housing to be provided on site, appropriate mitigation would be applicable to the education, lifelong learning and green space and recreation contributions.

### **Conclusions**

Subject to the resolution of issues relating to design, drainage, cycle storage and the biomass boiler, the redevelopment of the site to provide good quality residential units is considered acceptable. The proposal will result in the regeneration of a currently redundant site to the benefit of the wider conservation area, whilst providing new good quality homes, of which a proportion could be affordable. The development will, in itself, result in investment in a Community Investment Area and could, if Members wish, provide a significant financial contribution to town centre regeneration rather than affordable housing provision on site.

The additional landscaping provided on the site is considered favourably both in terms of the character and appearance of the wider area and biodiversity subject to the inclusion of conditions. Whilst no parking is provided on site, the site is in a highly sustainable location and pedestrian access will be improved. Subject to the inclusion of a higher cycle storage provision and a section 278 agreement to secure pedestrian access improvements, on balance the proposal is considered acceptable in terms of highway and pedestrian safety. The design of the proposal requires further revisions, and revised plans are expected.

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

01. Materials
02. Building Details (Windows, Roof Lights, Doors, Rainwater Goods)
03. Landscaping
04. Nesting Birds

05. Section 278 Agreement
06. Cycle Storage Provision
07. Bin Storage Provision
08. Drainage
09. Phasing
10. Construction Method Statement
11. Biomass Boiler
12. Contamination

**Informative(s)**

01. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

**Relevant Policies**

- H1LFS - Applications for new homes
- H2LFS - Affordable Housing
- SS11 - Sustainable Communities Strategy
- SS10 - Conservation and Historic Environment
- HE1 - Listed Buildings
- ER1 - Flood Risk
- ER2 - Water Management
- TA1 - Transport and accessibility
- TA3 - Parking requirements
- NC1LFS - Biodiversity and Geodiversity
- ER3 - Contamination
- ES1 - Energy
- ES2 - Renewable and low carbon infrastructure
- C4 - Trees, hedgerows and natural landscape

**Application Number**

P/2016/0732

**Site Address**

5 Broadsands Road  
Paignton  
TQ4 6JX

**Case Officer**

Gary Crawford

**Ward**

Churston With Galmpton

**Description**

(Variation of condition P1 of original Planning Permission P/2014/0899). Erection of two apartment blocks each comprising 2 no. 2-bed apartments and 2 no. 3-bed apartments (8 apartments in total) with associated parking, following demolition of existing building (Re-Submission of P/2013/1093) - change roof line- changes to doors/fenestration, provision of external storage.

**Executive Summary/Key Outcomes**

The proposal is for the variation of approved plans condition approved under planning application P/2014/0899 for the erection of two apartment blocks each comprising 2 no. 2-bed apartments and 2 no. 3-bed apartments with associated parking, following the demolition of the existing building.

The variation to the approved plans is considered to be acceptable and without any overriding detriment to the character or appearance of the locality or residential amenity of neighbouring occupiers.

**Recommendation**

Approval subject to completion of a deed to tie the unilateral undertaking relating to application reference P/2014/0899/PA to this permission.

**Statutory Determination Period**

8 weeks, the determination date is 21st September 2016. Due to the number of objections received, the application is being reported to committee.

**Site Details**

The application site formerly contained a large, flat roofed, two storey detached building which was used as a children's home. This building has since been demolished and two apartment blocks are currently under construction.

The site is bounded by woodland to the north, residential properties around a cul-de-sac to the east (Broad Reach), Broadsands Road to the south and residential properties around a cul-de-sac to the west (Rock Close). The woodland to the north of the site is designated as the Tor Rocks Urban Landscape Protection Area (ULPA) and as a County Wildlife Site (CWS). The site is also identified in Appendix C (Pool of housing and employment sites) of the Torbay Local Plan

2012-2030 as a possible Neighbourhood Plan housing site.

### **Detailed Proposals**

Variation of the plans approved and conditioned under planning application P/2014/0899 for the erection of two apartment blocks each comprising 2 no. 2-bed apartments and 2 no. 3-bed apartments with associated parking, following the demolition of the existing building.

The variation to the approved plans are to include:

- Increase in height of roof line of side wings of each block by approximately 1.3m and overall height of each block by approximately 0.2m
- Reduction in width of communal lobby areas of each block by approximately 0.75m and, increase in width of apartments and roof terraces
- Changes to doors/fenestration
- Provision of external storage areas to the rear
- Changes to Juliet balconies to the rear
- Change to mix of units from 4 x 2-bed apartments and 4 x 3-bed apartments to 8 x 2 bed apartments
- Changes to internal layout of apartments.

The original plans indicated that the material of the external walls of the ground and first floor of the apartment blocks would be Cembrit cladding. This material was considered to be visually unacceptable. Following negotiations, the agent confirmed via e-mail on 26 August 2016 that the external walls of the ground and first floor would be painted render. Revised drawings were received on 26 August 2016 which detail that the external walls of the ground and first floor would be white painted render.

### **Summary Of Consultation Responses**

*Drainage Engineer:* As the variation of conditions requested has no effect on the surface water drainage for this development, the Council's Drainage Engineer has no objections to the variation of conditions application being granted.

*Arboricultural Officer:* No objections.

*Green Infrastructure Coordinator:* No objections.

### **Summary Of Representations**

14 letters of objection have been received. Issues raised:

- Increase in roof height would result in the property dominating its immediate surroundings
- Overlooking and loss of privacy
- Impact in local area
- Not in keeping with local area

- Overdevelopment
- Sets precedent
- Impact on trees and wildlife
- Noise and disturbance
- Traffic and access
- Loss of light
- Impact on property values. Officer comment: Representations regarding the impact on property values have been noted but this does not constitute a planning consideration.

### **Relevant Planning History**

P/2014/0899: Erection of two apartment blocks each comprising 2 no. 2-bed apartments and 2 no. 3-bed apartments (8 apartments in total) with associated parking, following demolition of existing building (Re-Submission of P/2013/1093). Approved 28.01.2015.

P/2013/1093: Proposed demolition of existing buildings and construction of 4 blocks each comprising 2no. 2 bed apartments with associated parking areas. Refused 05.12.2013

DE/2013/0022: Redevelopment to provide 8 - 2 bed flats in 2 blocks (pre-application enquiry). Split decision 28.02.2013

P/2012/0419: Redevelopment - formation of apartment block 11 units and 2 detached dwellings and demolish children's home - IN OUTLINE. Withdrawn 06.06.2012

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

Planning permission (P/2014/0899) was granted in January 2015 for the erection of two apartment blocks each comprising 2 no. 2-bed apartments and 2 no. 3-bed apartments with associated parking on the application site. The development has commenced and has reached a reasonably advanced stage.

The previously approved application provided a mix of 2 and 3-bed dwellings, the current proposal would provide 2-bed apartments only. Whilst a mix of different sized units within the development would be preferable, for example, to help secure family accommodation, it is considered that a development of 2-bed apartments only would not have a detrimental impact on the local community and, is acceptable in relation to Policies H1 and DE1(5).

Consequently, the key issues under consideration for this variation of approved plans are the impact of the amendments upon visual impact and neighbour amenity impact.

#### **1. Visual impact**

The apartment blocks that were previously approved under planning permission

P/2014/0899 were 8.05m in overall height whilst the side wings of the blocks were 5.6m in height. The current application seeks to increase the overall height of the buildings by 20cms and to increase the height of the side wings of the blocks by 1.3m. The current application also seeks to reduce the width of the communal lobby areas by approximately 0.75m and, increase the width of the apartments and roof terraces. The overall width of each apartment block would be 0.3m wider than the blocks approved under permission P/2014/0899.

The increases in height and width of the apartment blocks would affect, to a limited level, the visual appearance of the buildings within the street scene. However, due to the relatively small increases in overall height and width of the apartment blocks, it is considered that the height and scale of the blocks would be consistent with the buildings in the vicinity of the application site, and in accordance with Policy DE1(13 & 18). Whilst the 1.3m increase in the height of the side wings of the blocks would have a more significant impact on the visual appearance of the buildings, given that the side wings are set approximately 7.5m behind the front elevations of the buildings and the ridge line of the side wings would not extend beyond the first floor parapet line of the blocks, it is considered that the side wings would remain subservient to the main building and would not constitute an overdevelopment of the site. Whilst the central lobbies of the blocks have been reduced in width by 0.75m, they would still sufficiently break up the massing of the buildings. The woodland to the north of the site would still form a backdrop to this development and the proposed blocks would sit well against this backdrop, in accordance with DE1(18).

Whilst the proposed changes to the doors and fenestration of the blocks, and changes to the rear Juliet balconies would have an impact on the visual appearance of the buildings in comparison to the previously approved scheme, it is not considered that these changes would be detrimentally harmful. Due to the position of the external storage areas at the rear of the blocks and contained within the boundaries of the retaining walls, it is deemed that this element of the proposal would have no adverse visual impacts, in accordance with Policy DE1(16).

It is considered that the proposed changes to the previously approved plans would maintain that the development is of a high quality design which relates to the built form in the surrounding area. The external walls of the apartment blocks would be painted white render at ground and first floor level to match the prevailing material of the neighbouring dwellings. The material for the external walls of the second floor would be timber cladding which is deemed to be acceptable given that Cedral cladding was previously approved for the external walls of the second floor under planning permission P/2014/0899.

Therefore, the proposed development is considered to accord with Policies DE1 (Design) and DE4 (Building Heights) of the Torbay Local Plan 2012-2030.



## 2. Neighbour Amenity

Concerns have been raised with regards to the proposed changes to the previously approved scheme resulting in overlooking and loss of privacy impacts to neighbouring properties. The previously approved scheme included a condition which stated that privacy screens shall be installed on the west elevation of the building sited to the west of the site and the east elevation of the building sited to the east of the site. This condition would be included with any new planning permission to ensure that the proposal does not result in any harmful overlooking or loss of privacy impacts upon neighbouring properties. It is considered that the new Juliet balconies to the rear of the blocks would not result in any greater loss of privacy impacts than the previously approved scheme.

Concerns have also been raised with regards to an increased level of noise and disturbance from the second floor roof terraces. The internal layout of the apartments has been altered from the previously approved scheme and it is proposed that the second floors of the apartment blocks would be used as kitchen/dining areas rather than as bedrooms. However, the internal configuration of the apartments could be altered without requiring planning permission. Therefore, although the second floor roof terraces would be slightly wider than those permitted under permission P/2014/0899, it is considered that the current scheme would not result in a significantly worse impact upon neighbouring properties in terms of noise and disturbance than the previously approved scheme.

Given the relatively minor increases in height and width of the apartment blocks, it is considered that the proposal would not result in any significantly worse overbearing or loss of light impacts upon neighbouring properties than the previously approved scheme. The proposal is therefore deemed to have an acceptable impact upon the amenity of neighbouring properties, and to be consistent with Policy DE3 (Development Amenity) of the Torbay Local Plan.

### Other matters

The highway, biodiversity and drainage implications of the scheme are unaffected and hence have not been discussed in detail within this amendment application.

### **S106**

Under application reference P/2014/0899/PA a unilateral undertaking was completed in respect of a contribution of £500 for waste management. A deed of variation is required to link this contribution to this planning application.

### **Conclusions**

The proposed amendments are suitable for planning approval having been considered against the relevant local and national planning policies.

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

01. Development to accord with details approved pursuant to application reference P/2014/0899/OA relating to the construction management plan
02. Development to accord with details approved pursuant to application reference P/2014/0899/OA relating to drainage
03. Development to accord with details approved pursuant to application reference P/2014/0899/OA relating to the arboricultural method statement and tree protection plan
04. Development to accord with details approved pursuant to application reference P/2014/0899/OA relating to vegetation clearance
05. Development to accord with details approved pursuant to application reference P/2014/0899/OA relating to the protected species mitigation strategy
06. Development to accord with details approved pursuant to application reference P/2014/0899/OA relating to the external materials schedule
07. Development to accord with details approved pursuant to application reference P/2014/0899/OA relating to the landscaping plan
08. Development to accord with details approved pursuant to application reference P/2014/0899/OA relating to the LEMP
09. Details of privacy screens to be submitted
10. Details of external lighting
11. Details of cycle parking
12. Car parking provided and retained.

### **Relevant Policies**

DE1 - Design  
DE3 - Development Amenity  
DE4 - Building heights  
H1 - New housing on identified sites  
C4 - Trees, hedgerows and natural landscape  
NC1LFS - Biodiversity and Geodiversity  
TA1 - Transport and accessibility  
TA2 - Development access  
TA3 - Parking requirements

**Application Number**

P/2016/0471

**Site Address**

Dawn  
Brim Hill  
Torquay  
TQ1 4TR

**Case Officer**

Verity Clark

**Ward**

St Marychurch

**Description**

Extensions and alterations to house and garage including side & roof extensions, extended terrace & balcony and raise in ridge height (Re-Submission of P/2015/1025) (Revised description)

**Executive Summary/Key Outcomes**

The application site is a detached dwelling that is located on Brim Hill. The proposal includes extensions and alterations to the existing dwelling and garage including a side extension, roof extension, extended terrace and balcony area with an overall raise in ridge height.

The proposal is considered to be acceptable in this location. It does not have any material impact on residential amenity of neighbouring occupiers or the character or appearance of the locality within the context of the countryside area, undeveloped coast, village envelope and adjacent conservation area and county wildlife site. It meets the requirements of policies DE1, DE3, DE5, C1, C2, SS10 and NC1 of the Torbay Local Plan 2012-2030.

The application is recommended for approval.

**Recommendation**

Conditional Approval (conditions at end of report)

**Statutory Determination Period**

8 weeks, expired on 18.06.16. The application has gone over time due to the need for further ecology reports prior to determination. An extension of time has been agreed to the 19/09/16.

**Site Details**

The application site is Dawn, Brim Hill, Torquay. The dwelling is a detached property located on the east side of Brim Hill.

### **Detailed Proposals**

The proposal is for extensions and alterations to the existing dwelling and garage including a side extension, roof extension, extended terrace and balcony area with an overall raise in ridge height of 0.8m.

The proposal seeks to redevelop and extend the existing dwelling house. The proposal includes a side extension on the south west side elevation which will link up the existing garage building with the main dwelling. This will extend to the rear elevation of the property and will form additional rooms at lower ground floor and upper ground floor levels with the upper ground floor leading out to a new terrace area. The rear of the upper ground floor level will include a curved glazing area which will link to a new natural stone wall whilst the lower ground floor will include new French doors. The top of the extension is to be finished with a sedum roof and the garage roof is to be altered to a steeper pitched roof in natural slate which will link up to the sedum roof.

At upper ground floor level the pitched roof of the existing entrance porch is to be replaced with a higher pitched roof in a matching hipped design and extended along the north east elevation which will form an en-suite and wardrobe area with the main entrance re-sited to the front north west elevation. This side north east elevation will also include the addition of a natural stone wall which will replace the existing wall material and will extend an additional 1.6m along the side of the proposed terrace.

The proposed works to the front north west elevation will include the addition of a rooflight and the removal of the left pitched bay window elements which will be re-sited closer to the side elevation. Both bay windows will include new pitched roofs to match the pitch of the proposed roof.

The proposal also includes the raise of the existing ridgeline of the roof by 0.8m with a resultant change in the pitch of the roof. This will facilitate the use of the first floor roof area for habitable accommodation. The rear roof will include the addition of two rooflight windows and a cut in balcony.

### **Summary Of Consultation Responses**

*Conservation:* This cleverly ties the later garage and its extension into the main house as well as extending over an area of waste. The roof and lower terrace are significant additions but add character to an otherwise featureless southeast façade - the one that faces the older area of the conservation area, across the valley to the sea. The only reservation is to the use of uPVC fascia and soffits below the natural slate roof - this seems a very odd choice when considered against all the other high quality materials set out in the schedule and elsewhere: powder-coated aluminium windows; frameless glazing set in oak; natural limestone; red cedar etc. The scheme is supported, with the proviso that the uPVC is replaced by timber fascia and soffits, which is also more congenial to

the bat roosts which are accessed from behind the fascias through the soffits.

*Green Infrastructure Co-ordinator:* Mitigation measures are required (namely timing, supervision by an ecologist, and precautionary working methods) to avoid disturbance to bats. The mitigation measures proposed will ensure the protection of the species recorded. The following conditions are recommended:

- Work should be undertaken in strict accordance with sections 5 and 6 of the Bat Activity/Emergence Survey Mitigation and Compensation Report, Green Lane Ecology, July 2016, namely:
- Details of any external lighting to be submitted to Torbay Council for approval prior to installation. The lighting should be designed in conjunction with a suitable qualified ecologist to ensure impacts on bats are minimised.
- Should the need for a European Protected Species License arise during the works, a copy of the license should be provided to Torbay Council prior to works proceeding.

### **Summary Of Representations**

14 objections have been received. Issues raised:

- Overdevelopment
- Unduly dominant
- Fails to reinforce the landscape quality and rural setting
- Footprint
- Out of character development
- Deterioration of bungalow characteristic
- Does not accord with Policy VE1 of the Torquay Neighbourhood Plan
- Loss of privacy
- Bulk
- Impact on Conservation Area and village character
- Critical drainage location
- Further ecological surveys required
- Sets precedent for further development
- Previous applications refused
- Plans inaccurate and misleading
- Raise in ridge height is out of character with the area
- Obscure glass will not overcome privacy concerns

These representations have been sent electronically for Members consideration.

### **Relevant Planning History**

P/2015/1025	Extensions and alterations including side & roof extensions & extended terrace & balcony. Refused 21/01/16
P/2014/0913	Proposed extension to Southwest facing elevation and alteration to existing roof. Refusal 03/11/14
P/1998/0098	Erection Of Single Detached Dwelling. Refused 17.03.98
P/1998/0056	2 Storey Extension At Rear Including Balcony, Porch At Side And Erection Of Detached Double Garage. Approved 13.03.98

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

The key issues to consider in relation to this application are the impact the proposal would have on the character and appearance of the streetscene and the amenity and privacy enjoyed by the occupiers of neighbouring properties. This also needs to be considered in the context of the countryside area, undeveloped coast, village envelope and adjacent conservation area and county wildlife site. The setting of the application site, particularly when viewed from the rear is an important consideration in judging the acceptability of the proposal.

The application site is built into the hillside resulting in a single storey appearance of the existing dwelling from Brim Hill, with a two storey appearance gained from the rear. The site is located within the Countryside Area and is directly adjacent to the Maidencombe Conservation Area. Views of most elevations of the site can be gained from Brim Hill and Rock House Lane. The streetscene along Brim Hill is clearly that of subservient dwellings with a clear bungalow characteristic dominated by hipped roof properties which sit unobtrusively amongst the hillside.

The proposal will add to the existing property whilst maintaining the existing character and integrity of the subservient hipped roof dwelling. The principle of sensitive alterations and extensions to an existing dwelling accords with Policy C1 of the Torbay Local Plan whilst the Torbay Landscape Character Assessment section 8B notes that any changes should be only limited in nature, and strictly controlled to ensure that the secluded character of the area and setting of the village is not harmed.

The proposed raise in ridge height of 0.8m will result in a change in visual appearance of the existing dwelling including an alteration in the pitch of the roof. In this context the raise in ridge height is considered to be acceptable. The properties along Brim Hill do not sit uniformly within the streetscene due to the varying positions along the road and how they are set within the hillside. As Dawn is set closer to the road than the adjacent 'Headlands' the property appears more dominant and when viewed from the streetscene the two

properties appear similar in height but with Dawn appearing slightly higher. The other adjacent property 'Bryn' is set considerably lower within the streetscene due to the lower position along the hill. The roofs of the other properties in the area differ in appearance and there is no uniform pitch or roof height. As such it is considered that the raise in ridge height whilst maintaining the subservient hipped roof design will sit comfortably within the streetscene and will not appear unduly dominant or out of character.

The proposal is considered to maintain the character of the existing building whilst extending and altering the existing structure. The proposal seeks to link the existing garage structure with the main dwelling. At present the garage extends partly down to the side elevation beyond the principle elevation of the property and includes two pitched roofs. The proposal will link the structures with a new side extension with flat sedum roof linking to a stone side wall. From the front of the property the new pitched roof of the garage will be visible therefore limiting clear views of the side extension. However the side elevation of the property is very visible from further along Brim Hill. The design of the side elevation is considered to be acceptable for the site within the context of the landscape character. The lower utility room visually appears as a link between the garage building and the main dwelling, whilst the use of flat roofs of varying heights maintains a subservient visual appearance and delineation between the extension and original dwelling house. Due to the size, scale and design of the extension, the further extension to the side boundary of the property is considered to be acceptable and without detriment to the scale, massing and form of the dwelling within the plot. The works to the north east side elevation are considered to be of a suitable size, scale and visual appearance for the existing dwelling as are the works to the rear of the dwelling. The use of the roof space as habitable accommodation with inset balcony will retain the subservient roof character respecting the setting of the area and suitably blending in with the prevailing character, form and bulk of the buildings in the locality.

The proposal seeks to add two windows at upper ground floor level and two windows on the lower ground floor level and an area of curved glazing and terrace on the south west elevation. This may have the potential to result in a level of overlooking to the adjacent property; Bryn, and as a result the applicant has agreed to the upper ground floor windows being obscure glazed and the installation of a 1.7m high obscure glazed privacy screen along the south west side elevation of the balcony. The terrace and windows at upper ground floor level are not considered to impact on the adjacent property, Headlands, due to the distances between the properties and as there is an existing rear terrace. The rear inset balcony will not provide any additional views to the side of the property as the cheeks of the roof will obscure any side views.

The proposals include works to the existing roof which is noted in Natural England guidance as an 'activity that can harm bats'. This guidance suggests that where buildings have features suitable for bats (and nesting birds) an

ecological survey should be requested. The submitted Preliminary ecological Appraisal Bat Mitigation & Compensation Measures (08715/GLE) states that bats are present. It recommends in paragraph 5.2 that a series of three bat emergence surveys which include a single dawn re-entry survey need to be carried out in May 2016. Bat emergence surveys have been undertaken and the Council's Green Infrastructure Co-ordinator has confirmed that the proposal is acceptable subject to the suggested mitigation measures and the submission of details of new external lighting.

Although the site is located outside of the critical drainage area, in accordance with Paragraph 103 of the NPPF and Policies ER1 and ER2 of the Torbay Local Plan the applicant is required to consider the use of a sustainable urban drainage systems. In line with this a condition is recommended requiring that the use of a soakaway is explored first.

The proposal follows the refusal of applications P/2014/0913 and P/2015/1025. Both preceding applications proposed a number of alterations and extensions to the building including a single storey extension on the south west elevation and a change in the appearance of the hipped roof. The current proposal is considered to overcome previous concerns of the size, scale and visual appearance of the side extension proposed in the 2014 application and will retain the subservient hipped roof style which overcomes concerns raised in the 2014 and 2015 applications. The proposal is therefore considered to be acceptable in terms of size, scale and design, retaining the character of the Countryside Area and adjacent Conservation Area and maintaining neighbour amenity in accordance with policies C1, C3, DE1, DE3, DE5 and SS10 of the Torbay Local Plan 2012-2030.

**S106/CIL -**

N/A

### **Conclusions**

The overall proposal is considered to be appropriate for planning approval. The size, scale and design of all elements of the application are considered to be acceptable retaining the character and quality of the countryside area and Conservation Area and the amenity of the neighbouring properties is considered to be retained in accordance with policies C1, C3, DE1, DE3, DE5 and SS10 of the Torbay Local Plan 2012-2030.

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

01. The development hereby approved shall be carried out strictly in accordance with section 5 and 6 mitigation strategy and compensation measures of the submitted 'Bat activity/ emergence survey mitigation & compensation' received 25th July 2016 to include the provision of roost enhancement/provision as detailed in Figure 3. Reason; To ensure that protected species are protected



and their habitat enhanced, in accordance with the Wildlife and Countryside Act 1981 as amended, the Natural Environment and Rural Communities Act 2006 and Policy NC1 in the Torbay Local Plan.

02. Prior to the installation of any new external lighting on the outside of the buildings or elsewhere on the site, full details including design, siting and illumination-type shall be submitted to the Local Planning Authority for approval. Only lighting that has been approved in writing by the Local Planning Authority shall be installed.

Reason: To safeguard legally protected species, including safeguarding foraging paths for legally protected bats, and in the interests of biodiversity in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

03. In accordance with approved plan 589-26C version C the two upper ground floor window on the south west facing side elevation facing Bryn, Brim Hill shall be fitted with obscure glazing to a level at least equivalent to Pilkington Level 3 and fixed shut or fitted with a 100 mm opening restrictor. The windows shall be permanently retained in that condition thereafter.

Reason: To protect residential amenity and the privacy of neighbouring properties; in accordance with the requirements of policies DE1, DE3 and DE5 of the Torbay Local Plan 2012 - 2030.

04. Before the first use of the upper ground floor terrace hereby permitted the balustrading along the south west side elevations shall be fitted as 1.7 metre high obscured glazing to at least the equivalent of Pilkington Level 3. The balustrading 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 DE1, DE3 and DE5 of the Torbay Local Plan 2012-2030.

05. Notwithstanding approved plans 589-EC1(A) version (ecology mitigation) and 589-22 version B(inc bat detail) the fascias and soffits shall be timber.

Reason: In the interests of visual amenity in accordance with Policy DE1, C1 and SS10 of the Torbay Local Plan 2012-2030.

06. Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 30% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of adapting to climate change and managing flood risk,

and in order to accord with Policies ER1 and ER2 of the Torbay Local Plan "A landscape for success" 2012-2030 and beyond and paragraph 103 of the NPPF.

07. No development shall take place until a European Protection Species (ESP) license, if required, has been obtained, including the appointment of an ESP License holder or accredited agent to manage the implementation of ecological mitigation strategy through to the completion of the development.

Reason: In the interest of protecting wildlife in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

**Relevant Policies**

DE1 Design  
DE3 Development Amenity  
DE5 Domestic extensions  
C1 Countryside and the rural economy  
C3 Coastal change management  
SS10 Conservation and Historic Environment  
NC1LFS Biodiversity and Geodiversity  
ER1 Flood Risk  
ER2 Water Management

AT/2016/0142 Officer report  
68 Barcombe Heights, Paignton  
Case officer: L Marshall

## Tree work application officer report

<b>Application Number</b> AT/2016/0142	<b>Site address</b> 68 Barcombe Heights Paignton Torbay TQ3 1PT
<b>Case Officer</b> Lee Marshall	<b>Ward</b> Preston

### Executive Summary

T1- oak- target prune x 2 branches from the tree, which are located over the palm trees on site, back to parent stem.

Reason- branches from the oak are conflicting with the palm resource on site. Works are being undertaken to reduce the conflict and reduce the dominance to the palms. The specified works are considered to be low impact on the trees health and aesthetic value.

### Recommendation

Approval with condition

### Site Details

T1 mature English Oak is within the grounds of and to the South West of a newly completed property known as 68 Barcombe Heights .

Secondary limbs extend adjacent to and in places through the crown of 3 mature Torbay Palm trees.

### Relevant history

Area TPO 1979.03 A1, Preston Area, Paignton is in place upon this site.

Please note the property is of recent construction within the now sub-divided grounds of 66 Barcombe Heights. Ref: P/2010/0967

### Detailed Proposals

The applicant seeks consent to prune the noted limbs back to their parent stems to allow space for continued palm growth and to reduce the dominance of those oak limbs growing through the palms.

The key issue to be considered is the impact that the works would have upon the contributions made by T1 to the public visual amenities of the local and wider landscape.

The removal of the branches is likely to improve the spatial (hence visual) relationship between T1 and the palm trees. Removal of the branches will result in a minor reduction in the visual amenity of local public viewpoints but this will be offset by enhanced amenities to the wider public realm contributed by the palm trees whose crowns will be more visible.

This application has been included on the agenda because the applicant is a member of staff.

AT/2016/0142 Officer report  
68 Barcombe Heights, Paignton  
Case officer: L Marshall

**Proposed Conditions**

1. All approved pruning works are required to be undertaken in their entirety in accordance with B.S.3998 2010 Tree Work – Recommendations

**Reason**

To ensure all works are undertaken in accordance with current industry best practise as detailed within B.S.3998 2010 Tree Work – Recommendations

**Conclusion**

The proposed works are considered to be appropriate for approval. They would not impact upon the public visual amenities of the local and wider landscape.

**Relevant Planning Policies**

The Town and Country Planning (Tree Preservation)(England) Regulations 2012

DCLG - Planning Practice Guidance - Tree Preservation Orders and Trees in Conservation Areas