

Application Number

P/2012/1223

Site AddressKings Ash House
Kings Ash Road
Paignton
Devon
TQ3 3XZ**Case Officer**

Mr John Burton

Ward

Blatchcombe

Description

Demolition of office building; change of use to residential and erection of 14 dwellings with associated parking and off-site works

Executive Summary/Key Outcomes

This application represents a distinct improvement on that which could currently be implemented and which was granted on appeal against the determination made by the Council previously. The extant scheme is for 29 small residential flats, which would not meet the current requirements of the Torbay housing market. This current proposal provides for larger family sized dwellings and these would be more saleable and sought after, thus better fulfilling the current needs of the Torbay housing market. The reduction in unit numbers would also place less strain on the already busy principal traffic route of Kings Ash Road. So this is an added and beneficial improvement.

This new scheme proposes suitably sized family houses with adequate amenity space, parking and access. As a consequence, there is also a big improvement in design which now proposes individual traditional family houses as opposed to a large single block of residential flats. However, the suggested design is a little bland and negotiations are in hand to try and improve the appearance and layout of the units.

It should also be understood that the Council had not actually approved the previous permission for flats, the approved scheme only having gained consent on appeal.

It is considered that there is very little to commend the previous scheme, and a good understanding that the current proposal vastly improves upon that which could be built in terms of the type and size of units.

Therefore, subject to the negotiations on improving the design, the completion of a Planning Agreement under s106 of the Act, a Member site visit and the suggested conditions, it is recommended that the proposal should be approved.

Recommendation

Committee Site Visit; subject to negotiations on the design of the dwellings (layout and appearance) and the successful completion of a Planning Obligation under s106 of the Act (before the expiration of the 13 determination date), Conditional Approval. In the event that the 106 agreement is not completed in time to issue the consent within 13 weeks, the application be refused for reasons of a lack of a 106 agreement.

Site Details

Site of Kings Ash house, a two-storey office building, situated on the east side of Kings Ash Road, south of Fernicombe Road and north of Whitebeam Close. The building is located on a low ridgeline along Kings Ash Road and is visible in the wider landscape.

Detailed Proposals

Permission is sought for 14 detached and semi-detached properties arranged in two rows across the width of the site. Each property has access to a vehicular garage, some attached, some free standing, but all with a further space in front, making a total of two off street parking spaces available per dwelling.

Access into the site is shown via a single new access point off Kings Ash Road. Two house types are proposed, with the second being a larger unit. They are both 3 bed modules. Both types are shown finished with contrasting coloured render to the ground and upper levels, with interlocking concrete tiles. The properties are shown set off the boundaries allowing for landscaping space and gardens.

Summary of consultation responses

Drainage Observations awaited.

Highway Authority Formal observations awaited, but indicated with the pre-application enquiry that a single point of access through the existing (redundant) bus stop, with adequate visibility splays, would be acceptable.

Summary of representations

None received as yet. Advertisement period will expire on 10th January and any representations received will be reported to members.

Relevant planning history

P/2010/0666 Application for an extension to the time limit for implementation of the application allowed on appeal - for the erection of 29 flats with associated car parking, access road/vehicular/pedestrian; footpaths. Approved 22/03/2011.

- P/2006/1571 Erection Of 29 flats with associated car parking, access road/vehicular/pedestrian; footpaths, refused 28th December 2006 on the basis of not including any affordable housing, not having any financial contribution towards sustainable transportation or education under s106, and resulting in the loss of employment. This decision was however overturned on appeal by letter from the Planning Inspectorate dated 29th June 2007
- P/2006/1208 Erection of 29 flats with associated car parking; access road/vehicular/pedestrian; footpaths. Application withdrawn 30th August 2006
- 2005/1227/MPA Erection of 43 flats with associated car parking, refused by notice dated 11/10/2005 on the basis of overdevelopment, being unduly intrusive, having little landscaping, loss of employment opportunities, no provision for affordable housing, no developer contribution under s106, and being contrary to policy.

Key Issues/Material Considerations

Principle and Planning Policy -

This is a brownfield site, which has been underused for many years and in more recent times has remained virtually empty, except for skeleton use by S.W.W. Therefore redevelopment would meet all of the usual criteria and policy requirements of sequential testing, re-use of redundant urban land, provision of housing in the urban area, and good access. In principle the proposal is entirely acceptable. There is an argument about the loss of employment opportunities, which is covered by policy E6 of the Saved Adopted Torbay Local Plan. This is covered below and has already been considered under the extant consent for flats on the site. Design policy considerations are considered to have been met and this will also be covered later in this report.

Economy -

If this application were to be considered in isolation, it would be true to say that the loss of employment opportunities afforded by the existing office block would be sufficient to consider refusing the application on the basis of policy E6. However, regard needs to be had to the previous approvals at the site which are extant and still capable of implementation. The original approval for 29 flats (subsequently renewed) was granted permission on appeal, against the decision of this Authority in June 2007. This is a material consideration.

In his findings, the Inspector concluded that the (then) proposed development "would cause no significant harm to the supply of employment land in the area". Therefore, he found no conflict with either policy ES or E6 of the Saved Adopted Torbay Local Plan. On this basis he saw no need for a financial contribution

towards local employment initiatives to mitigate the loss of jobs on the site, despite the fact that the applicant was prepared to offer £75,000 in this regard. Demand for office space does change over time, but Officers are not aware of a much greater demand for such space now than was the case in 2007. It is therefore felt to be appropriate to give full weight to the Inspector's findings and neither refuse the application on the basis of employment impact (policy E6) nor seek to approve it with the imposition of a financial contribution towards employment initiatives in the vicinity.

Layout and design -

The proposal now before the Local Planning Authority is a distinct improvement on that which is extant and capable of implementation. Firstly, the Torbay housing market is well supplied with small flatted developments (the extant permission). As such these would not be likely to sell well and would not meet local demand. This current proposal is for family sized 3-bed dwelling houses, which are much more in tune with local needs and the character of this area. This makes the current proposal a positive betterment to that which could be implemented.

The proposal has a lower density of development, offering better opportunities for landscaping and space which improves the appearance of the proposed scheme. This enables the scheme to present a more traditional appearance of frontage development, typical of this part of Kings Ash Road. The proposal through its reduction in units therefore fits in much better with the existing built environment. It is, however, considered that the site is still being used efficiently with a density of some 40 dwellings per hectare. This density would sit comfortably within the prevailing context, whilst making effective use of the site.

To make best use of the site the design shows two parallel blocks of housing, some semi-attached some detached. In this way the pattern of proposed development fits in with the established urban grain, with frontage development on to the Kings Ash Road and access to dwellings behind. It also allows the dwellings to be pulled off the boundaries to increase the spacing between themselves and the established neighbouring dwellings.

The frontage dwellings (house type 1) are shown finished with brickwork at ground floor level, render to first floor level and concrete interlocking roof tiles. The properties at the rear are similar only with contrasting coloured render at ground floor level in lieu of the brickwork. This is all very similar to the properties in the 'Great Parks' estate (opposite side of Kings Ash Road) and the new housing in Foxhole (behind). This allows the development to blend in with the locally established vernacular.

However, the appearance of the dwellings is somewhat bland and the opportunities available for lifting design quality in this prominent location have not been taken. The overly ordered frontage layout combined with the arrangement

for the rear paved spaces is also considered lacking in quality. Negotiations are in hand to alter the layout and appearance, the results of which will be reported to Members at their meeting.

Highways and parking -

The site currently has two points of access/egress onto Kings Ash Road, and this is to service mainly commercial vehicles. It therefore follows that one single residential point of access would be an improvement. By placing this point in the middle of the site, the developer would be able to ensure that the required visibility splay in either direction is obtained and retained. An access here would mean the loss of a bus lay-by, but the Council's sustainable transportation group have clarified at pre-application stage that the lay-by is no longer used by buses and is not required for its original purpose. The proposal is therefore deemed to be acceptable on highways grounds, although the formal views of the Highway's Authority are still awaited and will be reported to the meeting.

Internally the site operates by means of shared surfacing which gives movement through the site a more human scale and less vehicular dominated feel. The exact surfacing and its relationship with the required landscaping has still to be clarified. However, Officers are confident that a suitable agreement can be reached and therefore suggest that this should be dealt with by means of a suitably worded condition.

Parking is provided to standard on the basis of one covered garage space and a surface space in front for each dwelling.

Access and parking is therefore in full accordance with the standard criteria given in policies T25 and T26 of the Saved Adopted Torbay Local Plan.

Landscaping -

A landscaping scheme has not been submitted as part of the submission, but there is clearly room to achieve an acceptable solution in this regard. The drawings indicate trees in the front gardens to all of the properties, and this would help soften the visual appearance of the dwellings within the street scene. Attention will also need to be given to the hard landscaping, including the access road, manoeuvring areas and retaining walls, in order to maximise the opportunity to create an attractive living environment. This is perfectly achievable, and can be dealt with further negotiation coupled with an appropriately worded condition.

Planning Obligation/CIL -

At 14 units, the development is under the threshold for the provision of affordable housing. This is acceptable in order to avoid an over-development of the site and ensure a satisfactory living environment. The density of approximately 40 dwellings per hectare is not considered to result in under development given the site's constraints, context and surrounding densities.

It is the Council's policy to seek appropriate financial contributions from developers under s106 of the Town and Country Planning Act 1990 and the legislative requirements of Part 11 of The Community Infrastructure Levy Regulations 2010, towards community infrastructure stemming directly from development and in terms of the resultant pressures on local social, physical and environmental infrastructure. The Council has decided in line with Central Government legislation and advice from the (former) Government Office for the South West that the true cost of any development should be realised by the development itself without becoming a burden upon the Local Authority or its Council Tax payers. This is made quite clear in policies CFS, CF6 and CF7 of the Saved Adopted Torbay Local Plan. The Council has now re-examined and re-interpreted its original Adopted Supplementary Planning Document LDD6 ('Planning Contributions and Affordable housing: Priorities and Delivery'). The 'Planning contributions and affordable housing supplementary document, update 3', was adopted by the Council in March 2011. More recently, at Full Council on 6th December 2012, Members agreed to seek contributions towards the South Devon Link Road (SDLR), where it is lawful to do so. On this basis, contributions will be due for the following items - the South Devon Link Road, municipal waste and recycling, sustainable transportation, Education, lifelong learning, and green space/recreation.

I have calculated the amount that would be due based upon the figure for floorspace given on the plans submitted (75 and 83 sq. m.) and on this basis the proposal falls within category 3.

Category 3 (75 - 94 Sq. M.)

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|-------------------------------|--|
| South Devon Link Road | £ 635 |
| Municipal waste and recycling | £ 50 |
| Sustainable transportation | £2350 |
| Education | £ 830 |
| Lifelong learning | £ 300 |
| Green space and recreation | £2050 |
| TOTAL | £6215 (x14 dwellings = £87,010) |

Conclusions

The proposal is considered to be more appropriate to the needs of the Torbay Housing market than that which could be implemented. In respect of needs, density, access and impact on neighbouring properties, this current proposal vastly improves upon the earlier approvals. Some improvement is being sought to the design and appearance of the units and the applicant will need to enter into a Planning Obligation. Other than this the proposal is acceptable, and can therefore be recommended for approval subject to resolving these points.

Relevant Policies

Torbay Local Plan 1995-2011 -

- E6 Retention of employment land
- HS Housing Strategy
- H2 New housing on unidentified sites
- H9 Layout, design and community aspects
- H10 Housing densities
- H11 Open space requirements
- CF6 Community infrastructure contributions
- CF7 Educational contributions
- BES Built environment strategy
- BE1 Design of new development
- BE2 Landscaping and design
- T18 Major road network
- T25 Car parking in new development
- T26 Access from development onto the highway

Condition(s)/Reason(s)

01. The new access shown into the site on the approved plans shall not be used until the two existing accesses have been permanently closed to the Local Planning Authorities satisfaction.

Reason: In the interests of highway safety, and the visual amenity of the area.

02. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping for the site, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the amenities of the area, and to accord with policies BE1 and BE2 of the Saved Adopted Torbay Local Plan.

03. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development) whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenities of the area, and to accord with policies BE1 and BE2 of the Torbay Local plan (1995 – 2011), adopted April 2004.

04. The development hereby approved shall not be commenced until details of the colour type and texture of all external materials, including hard-surfaced areas, to be used in the construction of the proposed development have been submitted to and approved by the Local Planning Authority.

Reason: To allow the Local Planning Authority to assess this element of the proposal and ensure that the development does not prejudice the character and setting of the existing building, and the area in general, in accordance with policies BES, BE1 and BE2 of the Saved Adopted Torbay Local Plan.

05. The development hereby approved shall not be used or occupied until all of the garages and car parking areas and access thereto shown on the approved plans have been provided and made available for use, or to a stage previously agreed in writing with the Local Planning Authority. The car parking areas and access thereto shall be kept permanently available for parking purposes to serve the development at all times thereafter.

Reason: To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use, in accordance with policy T25 and T26 of the Saved Adopted Torbay Local Plan, in the interests of highway safety, and in order to protect the residential amenities of the neighbourhood.

06. This permission shall be effective only so long as it is not exercised in addition to or in combination with the planning permission Local Planning Authority reference P/2010/0666 approved on 22 March 2011.

Reason: To prevent over-development of the site in accordance with policies H2, H9 and H10 of the Saved Adopted Torbay Local Plan.

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

Reason: To enable the Local Planning Authority to assess this element of the proposal, and ensure that the scheme is completed such that there will not be any adverse affect on any neighbouring property in accordance with policies H9 and BE1 of the Saved Adopted Torbay Local Plan.

08. The garages hereby approved shall not be used for any form of business purpose.

Reason: To protect the residential amenities of the neighbourhood and ensure that sufficient off-street parking space is retained for the development in accordance with policies H15 and T25 of the Saved Adopted Torbay Local Plan.

09. The windows indicated on the plans as lighting all bathrooms and separate W.C. facilities shall be obscure glazed to a level equal to Pilkington level 5 (or equivalent) and retained as such at all times thereafter.

Reason: In the interests of privacy and to ensure accordance with policy H15 of the Saved Adopted Torbay Local Plan.

Relevant Policies

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