

Application Number

P/2012/0078

Site AddressWesthill Garage
Chatto Road
Torquay
Devon
TQ1 4HY**Case Officer**

Mrs Helen Addison

Ward

St Marychurch

Description

Extend time limit - residential development comprising 8 houses, 3 flats, 2 bungalows and 2 maisonettes (15 units in total) with vehicular/pedestrian access - application P/2009/0422

Executive Summary/Key Outcomes

This application for the construction of 8 houses, 3 flats, 2 bungalows and 2 maisonettes (15 dwellings in total) was conditionally approved at the meeting of the Development Management Committee on 12.3.12 subject to the S106 agreement being signed within 6 months of the decision. The completion of the S106 agreement has over run this timescale and is shortly due to be finalised. An extension to the period for completing the S106 agreement is requested.

Recommendation

Subject to the signing of a S106 Legal Agreement in terms acceptable to the Executive Head of Spatial Planning, within 3 months of the date of this committee meeting conditional planning consent be granted. Conditions are set out at the end of the report. If the Legal Agreement is not completed within this time period that planning permission be refused on the grounds of lack of a S106 agreement to mitigate the effect of the proposal on infrastructure in the area.

Statutory determination period

The 13 week date for determination of the application was 26.4.12

The delay in issuing a decision has been due to the completion of the S106 agreement. This has mainly been on the applicant's part, although there was some delay by the Council as well. A draft S106 agreement was sent to the applicant's solicitor in September 2012 and no response has been received by early March 2013.

Site Details

Existing garage located on the east side of Chatto Road, south of the junction

with Westhill Road. The site incorporates the existing garage, the 'barn' to the south of the site and an area to the north east of the garage. Adjoining the site to the north are two terraces of houses which have been completed in the last few years.

Chatto Road slopes in a southerly direction past the site. The majority of the site is visible in the street scene. There is a low stone wall along the front boundary. The surrounding area is predominantly in residential use. There is no allocation relating to the site in the Torbay Local Plan 1995-2011.

Detailed Proposals

This application is submitted as a renewal of application reference 2009/0422. It is for the construction of a terrace of 4 x 2.5 storey dwellings, each containing 3 bedrooms along the western frontage of the site, facing Chatto Road. Adjoining this on the north west corner would be a corner building containing 3 apartments. Along the northern edge of the site would be a terrace of 4 x 2 bed, 2.5 storey houses; this along with the adjoining bungalow for a disabled person would constitute the affordable element of the scheme. To the rear of this, to the east of the site would be located a 2 bedroom bungalow and to the rear of this (south east), the existing stone barn would be converted in order to create 2 x 2 bed flats. Pedestrian access to the rear of the site would be adjacent to 59 Chatto Road, to the east of the proposed bungalows. 15 parking spaces would be provided to within the area of land to the north east of the site, two spaces would be provided in front of the bungalow, including a disabled parking bay and 3 spaces would be provided adjacent to the barn, accessed from Daison Crescent.

Summary Of Consultation Responses

Historic Environment Officer. Recommends a condition requiring a programme of archaeological work prior to development.

Highways: Object to the proposal due to inadequate visibility, turning space is shown on adjacent land in different ownership, the junction would be opposite Main Avenue, creating a cross roads situation, insufficient parking provision. Requires provision of cycle parking.

Environmental Health Officer. Consultation response awaited. (Requested a land contamination condition in respect of application 2009/0422).

Summary Of Representations

Two letters of objection have been received, raising the following issues;

- Constitutes over development of site
- Proposed access is immediately opposite Main Avenue and close to the busy junction of Chatto Road and West Hill Road, sight lines are poor and there are

two bus stops nearby.

- Proposal would result in increased on street parking and increase in traffic.

Relevant Planning History

P/2003/1668	Alterations and extensions to form new MOT bay, installation of roller shutter doors. Refused 4/12/2003.
P/2004/0343	Alterations and extensions to form new MOT bay, installation of roller shutter doors (revised scheme). Approved 26/4/2004.
P/2006/2017	Formation of 22 one and two bedroom flats and 22 parking spaces plus 2 visitor spaces single "cottage industry" unit within existing building with 2 allocated parking spaces. Withdrawn 08/02/2007.
P/2008/0378	Formation of 12 no 3 bedroom houses and 6 no 1 bedroom flats with retention of a single "cottage industry" unit with 16 parking spaces and vehicular/pedestrian access. Refused 20/5/08.
P/2008/1393	Formation of 8 no 3 bedroom houses, 4 no 2 bedroom houses and 1 no bungalow for disabled persons together with formation of 2 no 2 bedroom maisonettes within an existing stone barn with vehicular/pedestrian access. Refused 29/12/08.
2009/0422	Residential development comprising 8 houses, 3 flats 2 bungalows and 2 maisonettes (15 units in total) with vehicular/pedestrian access approved 28.7.09

Key Issues/Material Considerations

The key issues in determining this application are considered to be (1) the impact on visual amenities, (2) the impact on neighbour amenities, (3) the impact on highway safety, (4) Archaeology and (5) S.106 requirements.

Impact on visual amenity

Following refusal of application reference 2008/1393 the design and layout of the proposed scheme were revised to achieve an acceptable form of development under application reference 2009/0422. Since this previous decision there has been little change in policy which would affect the consideration of this proposal.

The proposal would provide frontage development facing Chatto Road which would be consistent with the established character of the area. There would be a feature building on the corner which would provide the development with a focus at the entrance. This building would be set back from the building line which would reduce its visual impact as it would be 4 storeys in height. The street scene elevation shows that the height of the 4 storey element would be similar to the adjoining terrace of dwellings to the north. Development at the rear of the

site would consist of two bungalows. The principle of a terrace of dwellings would be consistent with the character of the area. The density of development on the site would be higher than the surrounding area as the proposal would make effective use of site.

Impact on neighbour amenities

The construction of bungalows at the rear of the site would result in no adverse impact on the amenity of the occupier at 14 Daison Crescent. It is noted that the roofs of the bungalows would be pitched and would slope away from this property. The proposed dwellings adjacent to 59 Chatto Road would be at a sufficient distance from this property to prevent an adverse effect on residential amenity.

Highway safety

The Highways Officer has repeated his previous advice in respect of the proposal which raises concern about highway safety. Traditional guidance on highways matters was that no more than 5 dwellings should be served off a private drive and as such a road serving a development of this size should be adopted. Due to the physical constraints on the developable area of this site and the visibility problems at the entrance the access would not meet the criteria for being adopted. Advice to Members previously was that the Manual for Streets which was produced in 2007 provides updated advice on highways matters and makes it clear that this is not a formal requirement. The existing use of the garage, by its very nature attracts a high number of vehicular movements, and the proposed layout will improve visibility from what exists at present, by removing the car display area from the frontage of the site. The cross roads situation referred to by the highways officer already exists as the proposed access point is that of the adjacent development. This is a busy section of road, near a bus stop, opposite a junction and with lots of parked cars on the road. However these hazards serve to slow down the traffic in the area. As such whilst it is accepted that from a technical point of view the proposed access may not be ideal, a precedent has been set and it is not considered reasonable to withhold consent on the basis of poor visibility at the access.

19 parking spaces are proposed for the 15 units. This ratio is considered to be reasonable given the proximity to bus routes and the relatively close proximity to local facilities. There is considered to be adequate turning facilities on the site without the need to encroach on the adjoining site, should it become unavailable. Therefore on the issue of highway safety the scheme is considered to be acceptable.

Since the previous decision the Manual for Streets has been updated. In addition parking standards have been reduced. Further discussions will be held with the highways officer on this matter to look at whether there is the potential

for any alterations to improve the situation.

Highways update

The applicant revised the access to the proposed development to improve the visibility splay and alter the access to Chatto Road. The highways officer has advised that subject to the provision of cycle parking the proposed development would be acceptable in highway terms.

Archaeology

An archaeological survey of the site will be required as there is potential for prehistoric, Roman and Medieval remains on the site. This can be addressed by means of a condition.

S106/CIL -

The application will provide 15 units of accommodation which would increase the burden on local services. Section 106 of the 1990 Planning Act provides a mechanism for recouping these costs from the developer.

Since determination of application reference 2009/0422 the Council's Supplementary Planning Document "Planning Contributions and Affordable Housing" has been updated. In accordance with this the following contributions would be required;

- Waste Management	£ 550
- Stronger Communities	£ 1630
- Lifelong Learning	£ 3060
- Greenspace	£16108
-Loss of Employment	£12390
-Sustainable Transport	Nil
TOTAL	£26,049.15

Affordable Housing

- Social Rented – 3 x 2 bed houses
- Shared Ownership – 1 x 2 bed house and 1 x 1 bedroom disabled bungalow

It should be noted that the contributions currently requested are £7130 higher than paid in respect of application reference 2009/0422.

Conclusions

In conclusion, the proposal is to renew a previously approved scheme for residential development on the site. There has been no material change in circumstances since the previous decision, and therefore there is a presumption that planning permission would be granted. The principle of residential development on this site would be acceptable due to it being consistent with the

predominant use of the surrounding area.

Condition(s)/Reason(s)

01 Prior to the commencement of the development hereby approved details of the proposed materials to be used in the external construction of the buildings and in any hard surfaced areas of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in the approved materials.

Reason: In the interests of the visual amenities of the locality, in accordance with policy BES, BE1 and H2 of the Saved Adopted Torbay Local Plan 1995 – 2011.

02. Prior to the commencement of the development hereby approved details of the proposed windows, doors and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality, in accordance with policies BES, BE1 and H2 of the Saved Adopted Local Plan 1995 – 2011.

03. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing by the Local Planning Authority:

(a) A preliminary risk assessment/desk study identifying:- All previous uses;- Potential contaminants associated with those uses;- A conceptual model of the site indicating source, pathways and receptors;-Potentially unacceptable risks arising from contamination at the site.

(b) A site investigation scheme, based in (a) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

(c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(d) A verification report providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirement for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: Due to the fact that the site used to be a garage and the potential for contamination. In accordance with policy EP7 of the Saved Adopted Local Plan

1995 – 2011.

04. No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to, and approved by the Local Planning Authority in writing. The scheme shall include: a programme and methodology for site investigation and recording; post investigation assessment and analysis; publication; and archive deposition.

Reason: Where an important archaeological site will be materially damaged or destroyed as a result of development following the granting of planning permission, the developer will be required to make provision for its archaeological recording, preservation, storage and publication as a condition of the permission, in accordance with Policies BE9 and BE10 of the saved Torbay Local Plan 1995-2011.

05. Prior to the first occupation of any of the dwellings hereby approved, the parking spaces shown on the approved drawings shall be laid out in accordance with the drawings and shall be maintained and kept available for parking purposes thereafter.

Reason: To ensure that adequate parking is available for future residents, in accordance with policy T25 of the Saved Adopted Torbay Local Plan 1995 – 2011.

Relevant Policies

HS Housing Strategy
H2 New housing on unidentified sites
H6 Affordable housing on unidentified sites
H9 Layout, and design and community aspects
H10 Housing densities
CFS Sustainable communities strategy
BES Built environment strategy
BE1 Design of new development
TS Land use transportation strategy
T1 Development accessibility
T2 Transport hierarchy
T3 Cycling
T25 Car parking in new development
T26 Access from development on to the highway
PPS1 Delivering Sustainable Development
PPS3 Housing
PPS5 Planning for the Historic Environment