

Application Number

P/2013/0530

Site AddressWindmill Cottage
Windmill Lane
Paignton
Devon
TQ3 1AA**Case Officer**

Mr Alexis Moran

Ward

Preston

Description

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

Executive Summary/Key Outcomes

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

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

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

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

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

There is a mix of dwelling sizes and types in the area, albeit that the immediate vicinity is mainly bungalow properties. However, due to the location of the site, between properties on Longmead Road and Dolphin Court Road, the proposed dwellings will not appear incongruous or highly visible in the street scene.

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

Recommendation

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

Statutory Determination Period

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

Site Details

The site, Windmill Cottage, Windmill Road, Paignton, is a single storey residential property set within a parcel of land between Dolphin Court Road and Longmead Road. Although not Listed the cottage would have once been associated with the adjacent Listed windmill.

Detailed Proposals

The application seeks permission for the demolition of the cottage and its replacement with two residential properties of one storey and a half with dormers in the roof and attached garages.

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

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

Summary Of Consultation Responses

Highways - No objection.

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

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

Summary Of Representations

Thirty letters of representation have been received in relation to this application, the key issues raised are:

- The demolition of Windmill Cottage and resultant loss of a Heritage Asset
- Confusion over the potential for the demolition of the Listed windmill
- Out of character
- Overdevelopment
- Loss of privacy
- Impact of nature and trees

Relevant Planning History

ZP/2012/0061 Demolition of Windmill Cottage and addition of 2 dwellings in grounds - Officer support was given to the principle of the development 09.04.2013

Key Issues/Material Considerations

The key issues to consider in relation to this application are the impact it would have on the character and appearance of the street scene and the amenity and privacy enjoyed by the occupiers of neighbouring properties. Consideration should also be given to the impact the proposal would have on the setting of the Listed windmill.

Character and appearance

The proposed dwellings will not appear incongruous in the street scene due to their location on a parcel of land between the properties on Longmead Road and Dolphin Court Road. As a result of their siting they would not be highly visible from the wider area.

There are a number of different house styles in the area and as such the addition and the layout of two 1.5 storey properties would not be contrary to the urban grain. It is considered that the properties, due to their size, siting and design would be acceptable additions to the area.

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

Impact on adjacent Listed Windmill

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

The existing cottage is not a Listed Building and therefore does not benefit from the same protection when it comes to demolition. But Section 66 of the Listed Buildings Act requires LPAs to pay "special regard" to the desirability of preserving, inter alia, the setting of a listed building.

When assessing the impact (if any) of the proposed development on the setting of the Listed Building there are two principal factors to be taken into account -

1. the architectural quality or interest of the Listed Building itself (i.e. the setting of a Grade I building is likely to be more sensitive than that of a Grade II building)
2. the nature and appearance of the existing surroundings of the listed building immediately prior to the proposed development being carried out (impact is likely to be diminished if the surroundings already contain many unsympathetic features)

The NPPF accords with s.66 in that

- o Paragraph 129 makes it clear that, in determining applications, it is relevant to consider the significance of any heritage assets affected, including any contribution made by their setting. It is necessary to consider whether the

relevant heritage asset is of any great significance in itself, and whether its setting makes any great contribution to the character and appearance of the listed building.

- o Paragraph 132 advises that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be."

The Listed Building itself, i.e. the windmill, is surrounded by unsympathetic housing developments and as Windmill Cottage is not Listed it has been added to in an unsympathetic way in the past and has not been maintained to the same standard expected if it was protected.

To this end it is not considered that the proposal to demolish the existing cottage would have a significant impact on the setting of the Listed Building as it has not been deemed important enough to be Listed itself and now has a distinct separate boundary and curtilage away from the windmill.

The scheme to replace the demolished cottage with 2 dwellings has been revised during negotiations and now, subject to the removal/relocation of the conservatory to the side facing the windmill, the scheme is considered to preserve the setting of the windmill.

Impact on neighbouring living conditions

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

S106/CIL -

As part of this process the application has been assessed against the Council's adopted Planning Contributions and Affordable Housing Supplementary Planning Document and subsequent updates ('the SPD'). This requires all appropriate developments to mitigate any adverse impacts they may have, individually and collectively, on the community infrastructure of Torbay. In addition, the application has been assessed against the adopted Council Report 'Third Party Contributions towards the South Devon Link Road', which seeks contributions towards funding the South Devon Link Road (SDLR) where new development impacts on, or contributes to the need for the SDLR. The SPD will be updated again shortly to reflect the content of this report.

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

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

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

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

Planning Contributions Summary	Contribution	Early Payment
Waste Management	£50.00	£47.50
Sustainable Transport	£2,527.25	£2,400.89
Stronger Communities	£0.00	£0.00
Education	£1,057.25	£1,004.39
Lifelong Learning	£227.25	£215.89
Greenspace & Recreation	£2,187.25	£2,077.89
South Devon Link Road	£731.00	£694.45
Total	£6,780.00	£6,441.00
Administration charge (5%)	£339.00	£322.05
Total with Admin Charge	£7,119.00	£6,763.05

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

Conclusions

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

The demolition of the existing cottage is acceptable, given the damage caused to it by additions and changes over time and given that it is not a protected heritage asset. Its replacement with the revised scheme for 2 dwellings will, subject to the removal/relocation of the side conservatory, preserve the setting of the adjacent Windmill.

Condition(s)/Reason(s)

01. The development hereby approved shall not commence until sections and elevations to a scale of not less than 1:20, indicating the following details, have been submitted to and approved by the Local Planning Authority:(i) eaves overhang;(ii) rain water goods;(iii) reveals to window/door openings;(iv) sub cills;(v) slating/tiling;(vi) soffits; The building shall not be occupied until it has been completed in accordance with these details.

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

02. No development shall take place until there has been submitted to and approved by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

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

03. The development hereby approved shall be constructed in accordance with detailed drawings, which shall previously have been submitted to and approved by the Local Planning Authority, showing the datum level at which it is to be constructed in relation to an agreed fixed point or O.S. datum off site.

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

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

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

Relevant Policies

BES - Built environment strategy

BE1 - Design of new development

BE6 - Development affecting listed buildings