

**Application Number**

P/2013/0550

**Site Address**

Devon & Cornwall Constabulary  
Southfield Road  
Paignton  
Devon  
TQ3 2SP

**Case Officer**

Mrs Helen Addison

**Ward**

Clifton With Maidenway

**Description**

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

**Executive Summary/Key Outcomes**

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

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

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

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

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

financial viability constraint).

### **Recommendation**

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

### **Statutory Determination Period**

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

### **Site Details**

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

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

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

### **Detailed Proposals**

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

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

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

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

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

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

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

### **Summary Of Consultation Responses**

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

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

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

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

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

Arboricultural Officer – consultation response awaited.

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

### **Summary Of Representations**

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

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

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

### **Relevant Planning History**

- P/1996/0726 Alterations and extensions to existing front car park, minor alterations to approved 9/1/97.
- P/2006/1704 Installation of ramp, formation of parking area approved 4/12/06
- P/2010/1204 Formation of 16 dwellings with associated parking and access road withdrawn 24/1/11
- P/2011/0324 Residential development to form 14 dwellings with associated parking and access road. Approved 20.2.12
- P/2012/0895 Development to form 54 sheltered apartments for the elderly including communal facilities (Category II type accommodation), access, car parking and landscaping refused

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

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

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

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

### **Environmental Enhancement -**

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

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

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

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

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

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

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

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

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

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

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

**Impact on neighbouring properties -**

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

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

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

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

**Accessibility -**

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

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

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

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

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

### **Landscape -**

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

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

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

### **Ecology -**

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

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

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

### **S106/CIL and Viability -**

The applicant has submitted a confidential Affordable Housing Statement and Viability

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

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

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

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

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

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

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

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

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



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

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

### **Conclusions**

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

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

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

### **Conditions**

The recommended conditions will cover the following matters:

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

### **Relevant Policies**

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