

**P/2011/0412/PA**  
**Preston Ward**  
**Land At The Barn, Sleepy Lane, Paignton**  
**New dwelling**

### **Site Details**

The site, The Barn, Sleepy Lane, Paignton, is a residential property located midway down Sleepy Lane. The site is within the Shorton Conservation Area and is also within an area covered by a tree preservation order.

### **Relevant Planning History**

P/2010/1342 - Change of use of land to a garden and retention of parking area (Retrospective. Application approved 22.02.2011

ZP/2010/0131 – Provided that the proposed development would not be highly visible in the conservation area then application would be likely to be acceptable.

### **Relevant Policies**

*Saved Adopted Torbay Local Plan 1995-2011*

BES Built Environment Strategy  
BE1 Design of New Development  
BE5 Policy in Conservation Areas  
H9 Layout, design and community aspect  
T25 Car parking in new developments

### **National Policy**

PPS3 - Housing: Amended 9th June 2010 by excluding private residential gardens from the definition of previously developed land in Annex B and deleting the national indicative minimum density of 30 dwellings per ha

### **Proposals**

The application seeks permission for the construction of a mainly subterranean 5 bed dwelling within the curtilage of The Barn, Sleepy Lane towards the South corner of the site. A central courtyard area at the middle of the building will allow light into the underground living areas of the proposed dwelling. The house is divided into 2 main sections one to the North where the kitchen, dining and sitting room are proposed with the bedrooms to the South. These can be accessed across the courtyard and via a covered walkway. A balustrade of some 1m from the original ground level is proposed around the perimeter of the property for safety reasons.

The dwelling has been designed to meet the standards of PassiveHaus or the equivalent of level 4 of the code for sustainable homes. The materials used in the construction of the proposed dwelling will have a high insulation value, PV panels are proposed to the balustrade on the South elevation. Natural light via the open aspect of the courtyard will help to light the dwelling as will the light resulting from the entrance tunnel and sunlights. The roof is to be grass with much of the excavated material used cover the roof.

Improved landscaping is proposed to the boundary to enhance the existing and to add to the conservation area.

The parking area previously approved (P/2010/1342) is to be used for the new dwelling.

The application has been assessed against the Council's policy in respect of planning contributions. A contribution will be required in this case, calculated as follows:

On the basis that the new accommodation will comprise of a residential unit with over 120sq metres of gross internal floor area:

Contribution for a 5 bed dwelling:

Waste Management	£ 50.00
Sustainable Transport	£ 3,610.00
Education	£ 1,660.00
Lifelong Learning	£ 470.00
Greenspace and Recreation	£ 2,370.00

**TOTAL FOR DEVELOPMENT      £ 8,160.00**

### **Consultations**

*Highways:* Due to the substandard access highways would require a suitable turning area to ensure all vehicles enter and exit the site in a forward gear. If this can be achieved and demonstrated on a scaled drawing highways would raise no objection.

*Arboricultural officer :* Acceptable for approval on arboricultural merit however a tree protection and landscaping plan would need to be produced. This must be approved prior to any commencement.

*Conservation Officer:* No objection.

### **Representations**

A total of 17 representations have been received in relation to this application, 10 of which support the application and 7 which object.

Letters of objection relate to issues including..,

- Impact on local area
- Over development
- Traffic
- Trees and wildlife
- Overlooking

Letters of support include..,

- No adverse impact on surroundings
- Area is in need of improvement
- Application will enhance the Conservation Area
- The building addresses design issues

These letter are re-produced at Page. P.203.

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

The key considerations in relation to this application are whether the proposed additional dwelling would have a harmful impact on the Conservation Area or have an impact on the amenity of residential properties.

It is not considered that the proposed development would have a detrimental impact on the character of the Conservation Area as it would not be highly visible due to it being underground and hidden by the grass roof. The most visible part of the development would be the balustrade around the courtyard; at 1m high this is not deemed to be significantly detrimental to the character of the Conservation Area. Due to the improved landscaping and the subterranean nature of the proposal it will not be highly visible from Lammas Lane or Sleepy Lane. This proposal would therefore have the potential to sit quite comfortably within the Conservation Area and is considered to maintain its character; as such it is considered to comply with policy BE5 of the saved adopted Torbay Local Plan.

As the dwelling is to be underground it is not considered that there would be any impact on the privacy or amenity of neighbouring properties.

On 9th June 2010 the Government implemented the commitment made in the Coalition Agreement to decentralise the planning system by giving Local Authorities the opportunity to prevent overdevelopment of neighbourhoods and 'garden grabbing'. Planning Policy Statement 3: Housing (PPS3) was thus amended as follows:

- private residential gardens are now excluded from the definition of previously developed land in Annex B

- the national indicative minimum density of 30 dwellings per hectare is deleted from paragraph 47

Although the Coalition Government has recently taken residential garden-land out from the definition of brownfield land it has also abolished the minimum density levels at which such land should be developed. There is therefore no reason to conclude that the proposal is contrary to the provisions of PPG3 (as amended) particularly as the proposal is of a suitable design, with adequate garden sizes for existing and proposed properties, suitable parking and no significant overlooking issues.

Sustainability – The property is to be built to PassiveHaus standards or the equivalent of Level 4 of the Code for Sustainable Homes.

Crime and Disorder - No special issues

Disability Issues – No special issues

### **Conclusions**

The proposed dwelling is considered to be appropriate for planning approval, subject to the receipt of an upfront payment or signed section 106 agreement and having regard to all national and local planning policies and all other relevant material considerations.

### **Recommendation:**

Approval

### **Conditions**

No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include provision for landscape planting and the retention and protection of existing trees

Reason: In the interests of the amenities of the area and to comply with Policy BE5 of the Saved Adopted Torbay Local Plan 1995-2011.

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 comply with Policy BE2 of the Saved Adopted Torbay Local Plan 1995-2011.

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 form of development within Parts 1 & 2 shall be undertaken without first obtaining planning permission from the local planning authority.

Reason: In the interests of the amenities of the area and in accordance with the requirements of policies BES, BE1 & BE5 of the saved adopted Torbay Local Plan 1995-2011.

Before the first occupation of the building hereby permitted, the balustrade around the courtyard shall be fitted. The windows 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 BES & BE1 of the saved adopted Torbay Local Plan 1995-2011.

Before the development hereby permitted begins a scheme indicating a suitable turning area to ensure all vehicles enter and exit the site in a forward gear shall have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

Reason: In the interests of highway safety and in compliance with policy T25 of the saved adopted Torbay Local Plan 1995-2011.