

Application Number

P/2013/0758

Site Address

Land Adj To Park Bay & Holly Gruit
Brixham Road
Paignton
Devon

Case Officer

Matt Diamond

Ward**Description**

Development of 14 dwellings comprising 13 no. houses and 1 no. flat over garage (FOG), with associated roads, garages and parking

Executive Summary/Key Outcomes

The proposals are to develop 14 dwellings on an isolated area of land surrounded by recently approved applications at Yannons Farm/Park Bay on the edge of Paignton. This area was not included in the larger applications.

Notwithstanding the Local Plan employment designation of the site, it is considered that the principle of the development is acceptable and the development has now been redesigned following negotiations with officers to fit in with the character of the adjoining Parkbay development.

A section 106 agreement is required to secure necessary contributions in accordance with the Council's adopted Planning Contributions and Affordable Housing Supplementary Planning Document (SPD) and its Update 3, and the adopted Council Report 'Third Party Contributions towards the South Devon Link Road'.

This agreement is currently being drafted.

Recommendation

Conditional approval delegated to the Executive Head of Spatial Planning to resolve conditions; subject to signing the section 106 agreement within 13 weeks of the valid application being submitted, or the application be refused.

Statutory Determination Period

The application is a major application because the development comprises more than 10 dwellings. The application was validated on 09.08.2013. The 13 week determination date is 09.11.2013.

Site Details

The site is a 0.26ha triangular shaped parcel of land within the area currently

being developed on the edge of Paignton, known as Yannons Farm/Parkbay. Outline planning permission was granted to develop the area surrounding the site in 2011, this was to provide approximately 220 dwellings, 5,600 sq m B1 employment floorspace, a local centre and public open space (ref. P/2010/0289). In addition, outline planning permission was granted in 2012 to develop approximately 95 dwellings on the land adjoining the site to the east, formerly Parkbay garden centre (ref. P/2009/1287). Both these permissions and subsequent minor permissions are in the process of being implemented.

The application site did not form part of either of these permissions and was effectively left over land. The applicants are the same as the developers of the site to the east (Parkbay).

The site is allocated for employment use under Policies E1 and E1.16(C) in the Adopted Torbay Local Plan 1995-2011 ('the Local Plan').

Detailed Proposals

The proposals are to erect 11 no. 3-bed terraced/semi-detached dwellings, 2 no. 2-bed terraced/semi-detached dwellings and 1 no. 2-bed FOG (flat over garage) (14 dwellings in total).

Vehicular access would be provided from the street to the west, passing beneath the FOG through an archway into a central parking area within the block. Each dwelling would have two allocated parking spaces, 7 with garages. With the exception of the FOG, each dwelling would have a rear garden. The parking area would include soft landscaping.

Summary Of Consultation Responses

Housing Services: It would have been preferable for this site to be incorporated as part of the wider development of this area. As a result of it not being included, the current application is for 14 units only, which is below the current affordable housing threshold and therefore not liable for affordable housing contributions, which is not helpful in addressing the housing need of households in Torbay. If for any reason the number of units on the site increases, we would be looking for the policy position of 30% affordable housing to be provided on site.

Highways/Strategic Transportation: Comments awaited.

Engineering: **Drainage:** The developer has identified that this development will discharge into the surface water drainage system serving the development site covered by planning application P/2013/0165 (reserved matters for Park Bay). There are a number of issues with the proposed surface water drainage for this development which have not been addressed, including potential subsidence. Therefore, further details are required before planning permission can be granted.

SW Water: No objection.

Arboricultural Officer: No trees pose a constraint to the development. The planting plan shows that a bare root specimen of Sorbus aria is to be planted. Bare root plants have low success rates in urban areas as the root system is inadequate to cope with the restricted water available before establishing. No trees size should be below 14-16cm girth at planting to provide robustness against damage and vandalism prior to establishment. The scheme is suitable for approval on arboricultural merit if these two points can be addressed.

RSPB: There may be opportunities to enhance the biodiversity of the site by integrating next boxes suitable for swifts and other building dependent species into suitable locations under the eaves and barge boards of the gable ends. These should be incorporated into a Landscape and Environment Management Plan.

Summary Of Representations

No public representations were received.

Relevant Planning History

None for this site directly. The adjacent sites are of relevance and as such the following permissions are material to this application:

- | | |
|-------------|--|
| P/2010/0289 | Mixed use development to form approx 220 dwellings, approx 5,600 SQM gross of employment (B1) floorspace, local centre and public open space with roads and car parking (In Outline). Approved. 04.10.2011 |
| P/2009/1287 | Residential development to form approx 95 dwellings with associated vehicle/pedestrian access, roads; footpaths (In Outline). Approved. 06.01.2012 |

Key Issues/Material Considerations

The key issues are:

1. Principle of Development
2. Design
3. Access
4. Car Parking
5. Drainage

1. Principle of Development

The site is allocated as employment land in the Local Plan (E1.16c). However, the principle of developing this small parcel of land for residential use is considered acceptable in this instance given that:

- i) the surrounding land has been granted planning permission for mixed use including residential development in order to deliver infrastructure and to bring forward employment development in the form of the 6257 sqm Pharmaceutical Manufacturing Unit (PMU). As a result of the adjoining permissions the site is

now surrounded by residential uses and is unlikely given its size, location and environs, to come forward for employment use.

ii) policies E1 and E1.16c are no longer up-to-date given the delivery oriented and mixed use approach to employment sites set out in paragraphs 18 to 22 (and paragraph 22 particularly) of the NPPF.

iii) the evidence that went behind the decisions at both Yannons Farm and White Rock demonstrated a need for a flexible mixed use approach to employment allocations in order to ensure that there is not a surplus of employment land in Torbay and in order to bring forward (as is now happening on both sites) the delivery of employment.

iv) consideration as to the likely end use for this triangle of land was part of the decision making exercise in relation to the determination of P/2010/0289 at Yannons Farm, since this land was edged blue and as such its value was a consideration for the viability assessment process

2. Design

The design of the proposed development is now acceptable. This follows discussions with officers, the layout has been revised so that it is more consistent with the residential development to the east and addresses the corner facing the roundabout more directly to enhance legibility and way-finding. The dwellings have been designed to fit in with the character of the adjoining development, so that it reads as part of that development.

Therefore, the proposals accord with Local Plan Policies BES and BE1, and Section 7 of the NPPF.

3. Access

Comments are awaited from Highways/Strategic Transportation and these will be reported as a late representation. However, early discussions with Strategic Transportation have raised the issue of the access overrunning the footway/cycleway adjoining the site. The footway/cycleway should be given priority and a change in surface materials is required to encourage traffic to slow down when entering the site. The requirement for a detailed access design to address these issues should be a condition of planning approval.

4. Car Parking

The proposed level of car parking accords with the Council's parking standards in Local Plan Policy T25. It should be noted that the parking spaces for plot 97 are provided off-site. Cycle parking is also required and details of this should be a condition of planning approval.

5. Drainage

The application indicates that surface water is to drain into the surface water drainage system submitted for Parkbay reserved matters; however, this system has not been approved by the Council. Therefore, a pre-commencement

condition is required to address the outstanding issues in this regard.

S106/CIL -

The following contributions are required in accordance with Policy CF6 of the Local Plan and the Planning Contributions and Affordable Housing SPD Update 3:

Waste Management (Site Acceptability)	£ 700.00
Sustainable Transport (Sustainable Development)	£31,630.00
Education (Sustainable Development)	£11,180.00
Lifelong Learning - Libraries (Sustainable Development)	£ 4,230.00
Greenspace & Recreation (Sustainable Development)	£26,300.00
TOTAL =	£74,040.00
5% Admin Charge =	£ 3,702.00
<u>TOTAL + Admin Charge =</u>	<u>£77,742.00</u>

In addition, a contribution of £8,543.00 is required towards the South Devon Link Road (SDLR) in accordance with the 'Third Party Contributions towards the South Devon Link Road' report adopted by the Council on 6 December 2012. This must be subtracted from other contributions, taking into account the recommended order of priority in the SDLR report. Therefore, the required contributions would be apportioned as follows, where the SDLR contribution shall be subtracted evenly from the sustainable development contributions which have lower priority:

Waste Management (Site Acceptability)	£ 700.00
South Devon Link Road	£ 8,543.00
Sustainable Transport (Sustainable Development)	£29,494.25
Education (Sustainable Development)	£ 9,044.25
Lifelong Learning - Libraries (Sustainable Development)	£ 2,094.25
Greenspace & Recreation (Sustainable Development)	£24,164.25
TOTAL =	£74,040.00
5% Admin Charge =	£ 3,702.00
<u>TOTAL + Admin Charge =</u>	<u>£77,742.00</u>

A section 106 agreement is currently being drafted to secure these contributions.

Justifications

The contribution towards waste management is justified in paragraph 2.18 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6) and will pay the cost of providing bins to the proposed dwellings. It also accords with Local Plan Policy W7.

The contribution towards the SDLR is justified in Appendix 1 of the 'Third Party

Contributions towards the South Devon Link Road' report adopted by the Council on 6 December 2012 and is based on an assessment of the impact that the development would have on the road.

The contribution towards sustainable transport is justified in paragraphs 4.12-4.24 of LDD6 and will be used towards improvements along the Western Corridor. The NPPF and Local Plan Policy T2 promote sustainable transport modes. The proposed dwelling would generate additional trips and should therefore contribute toward sustainable transport in the area.

The contribution towards education is justified in paragraphs 4.40-4.46 of LDD6 and will be used towards funding Children's Services Capital Programme, which includes projects at Roselands Primary School and White Rock Primary School in Paignton. The proposed dwellings are of a size that could house a family with children who might reasonably be expected to go to these schools; therefore, the development should contribute towards education. It also accords with Local Plan Policy CF7.

The contribution towards lifelong learning is justified in paragraphs 4.47-4.51 of LDD6 and will be used towards the cost of improving provision at local libraries, including upgrading IT equipment and provision of self issue kiosks. The proposed dwellings would place additional demand on the services provided by local libraries and the contribution will ensure these services are provided with funding to mitigate the proposed development.

The contribution towards greenspace and recreation is justified in paragraphs 4.52-4.58 of LDD6. No public open space will be provided on-site; therefore a contribution is required towards provision of off-site public open space elsewhere within the wider development.

Conclusions

In conclusion, the proposed development is acceptable, as it would infill an empty parcel of land that was left out of the larger planning applications that have been approved around it. It has been designed to fit in with the character of the residential development adjoining the site to the east. A section 106 agreement is required to secure the necessary contributions.

Relevant Policies

- HS Housing Strategy
- H2 New housing on unidentified sites
- H9 Layout, and design and community aspects
- H10 Housing densities
- H11 Open space requirements for new housing
- E1 New employment on identified sites
- E116C Yalberton Road, Paignton (New Policy)
- CF2 Crime prevention
- CF6 Community infrastructure contributions

- IN1 Water, drainage and sewerage infrastructure
- L8 Protection of hedgerows, woodlands and o
- L10 Major development and landscaping
- BES Built environment strategy
- BE1 Design of new development
- BE2 Landscaping and design
- T2 Transport hierarchy
- T25 Car parking in new development
- T26 Access from development on to the highway