

Application Number

P/2013/0462

Site AddressLand Off
Montserrat Rise
Scotts Meadow
Torquay
Devon
TQ2 7GP**Case Officer**

Matt Diamond

Ward**Description**

Erection of two 2 storey detached dwelling houses with associated access and parking (integral garages).

Executive Summary/Key Outcomes

The proposals are to erect two, four bedroom detached dwellings, with associated access, on open land to the east of Montserrat Rise on the northern edge of Torquay. The southern part of the site and majority of land in the fields to the east is allocated for housing development in the Adopted Torbay Local Plan 1995-2011 ('the Local Plan'). The northern part of the site is within an Urban Landscape Protection Area (ULPA) skirting the northern edge of the town in this area. Vehicular access would be provided from Montserrat Rise, which would be extended by approximately 33 metres into the site.

The principle of the development is considered acceptable, as part of the site is allocated for housing development, so the principle has already been established here. The part within the ULPA is not considered to offer significant benefit to the urban environment, this is a small part of the ULPA and the designation will be predominantly retained as an open element in the townscape, providing a buffer between Torquay and the rural hinterland beyond Kingskerswell Road. Furthermore, the development would allow pedestrian access into the remaining fields to the east for the benefit of the public.

The design is considered acceptable and in keeping with the pattern of development in Montserrat Rise; appearance and landscaping are reserved matters. There would be no impact on local highways or the amenity of neighbouring properties. If the application is permitted, a condition should be added requiring the submission of a Construction Method Statement to minimise nuisance to local residents and highway users during the construction period.

A number of protected and priority species, including badgers, have been identified either on or in close proximity to the site. Mitigation and enhancement

measures have been included in the information supporting the application and details of these should be secured by condition if the application is permitted. All these measures should be carried out by, or in the presence of, a suitably qualified ecologist.

A section 106 agreement is being prepared to secure £13,650.00 contribution towards community infrastructure.

Recommendation

Conditional approval delegated to the Executive Head of Spatial Planning in order to resolve the detailed wording of the conditions; subject to signing section 106 agreement within 3 months of the Committee securing £13,650.00 contribution towards community infrastructure.

Statutory Determination Period

The application was validated on 03.05.2013. The 8 week determination date was 29.06.2013. The delay has been a result of waiting for detailed ecological information from the applicant. Therefore, an extended time period will be agreed with the applicant in writing prior to issuing the planning decision notice in accordance with article 29 paragraph (2)(c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

Site Details

The site is an area of open space to the east of Montserrat Rise in the Barton area of Torquay. The site area is 0.16 hectares. It comprises a section of steeply sloping field bordered by species-poor hedgerow, dense scrub and tall ruderal plants and a small, flat fenced area of poor semi-improved grassland.

Montserrat Rise ends adjacent to the western site boundary. There is no access to the site from Montserrat Rise.

The site is bounded by residential properties in Montserrat Rise to the west, stable buildings and a dwelling off Kingskerswell Road to the north, and the remaining part of the sloping field to the south and east, with residential properties in Leeward Lane further south.

An Ecology Report was submitted with the application, which states the habitat on the site is suitable for a number of protected species, such as reptiles and birds. Great green bush cricket was recorded on the site, which is a Devon Biodiversity Action Plan priority species. A main badger sett and numerous outlier setts are present about 15 metres south of the site within the hedgerow. The site is likely to be used by foraging bats, but it is unlikely to be of local importance due to its limited extent and lighting from adjacent houses and street lights.

The northern part of the site is within an extensive area of land to the south of

Kingskerswell Road allocated as the Scotts Bridge/Barton Urban Landscape Protection Area (ULPA) within the Local Plan. The southern part of the site is allocated for housing as part of Scotts Bridge/Barton Phase 2 within the Local Plan.

Detailed Proposals

The proposals are to erect two, four bedroom detached dwellings on the site. Montserrat Rise would be extended 33 metres into the site and the dwellings would be sited to the north. They would follow the general building line of the existing dwellings to the north of Montserrat Rise. The dwellings would include integral garages and have raised decking at first floor level to the rear providing access to raised gardens.

The application has been submitted in outline, but seeks permission for the reserved matters of access, layout and scale. Appearance and landscaping are reserved.

Summary Of Consultation Responses

Highways: No objection

South West Water: No objection or comment

Engineering - Drainage: The applicant has indicated that surface water would be disposed of to the main sewer and South West Water has confirmed acceptance of this. However, the surface water sewer system in this area of Torquay discharges to the Aller Brook storage lagoon, which was constructed as part of the overall Willows development and was sized accordingly. The number of properties that now drain to the storage lagoon now exceeds the original design and therefore it would be beneficial on flood risk grounds that the developer investigates a sustainable drainage design for the development. If this is not possible surface water discharge from the development should be limited to the greenfield runoff rate.

Arboricultural Officer: The existing vegetation on site offers no arboricultural constraint to the build with a linear scrub hedge forming the only vegetative feature on site. Subject to relevant wildlife considerations and mitigation this poses no constraint on arboricultural merit to the proposal. Recommend all necessary habitat and wildlife surveys should be undertaken and any mitigation measures enacted in their entirety. The landscaping plan requires two specimen trees to be planted at the south end of the site.

Summary Of Representations

8 objections have been received. The following material considerations have been raised:

- Impact of more traffic and parking on local highways
- Impact of construction vehicles on residential amenity, local highways and child safety
- Impact on wildlife, including badger sett, slow worms and birds
- Overlooking

Relevant Planning History

None

Key Issues/Material Considerations

The key issues are:

1. Principle of Development
2. Design (access, layout and scale)
3. Impact on Amenity of Neighbouring Properties
4. Impact on Local Highways
5. Car Parking
6. Impact on Wildlife
7. Drainage

1. Principle of Development

The principle of the development is considered acceptable. Whilst part of the site is located within an Urban Landscape Protection Area (ULPA), the associated Local Plan Policy L5 does not preclude all development, provided it would not seriously harm the value of the area as an open element within the townscape and the contribution it makes to the quality of the urban environment. It is considered that the site offers no significant benefit to the urban environment as open space. However, development of the site would allow local residents to access the fields to the east as amenity open space, with the views on offer across the town. In addition, the development offers the opportunity to carry out ecological enhancement measures to the benefit of the wider area.

Whilst a large part of the open land to the east is allocated for housing, the developer, who owns this land, has stated that a significant proportion of it is undevelopable, due to the steep topography and other constraints. Therefore, it is likely that some of the land envisaged for housing in this area will remain as open space.

A material consideration in assessing the principle of the development is the recent appeal decision for Scotts Meadow, which allowed housing development on an ULPA. In addition, the southern part of the site is within the housing allocation mentioned above, where the principle of development is already accepted. The front part of the dwellings, the driveways and the access road would be within the area allocated for housing, whereas the rear part of the dwellings, the raised decks and gardens would be within the ULPA.

As such, given the limited impact on the ULPA and the adjacency of the housing allocation and existing development on Montserrat Rise the principle is considered acceptable.

2. Design (access, layout and scale)

The application seeks approval of the access, layout and scale of the dwellings, whereas appearance and landscaping are reserved matters.

The access arrangements are considered acceptable, as they would simply consist of an extension of the existing road. A pedestrian access should be provided at the end of the extended road, so that residents can access the fields to the east. This should be a condition of planning permission if granted.

The layout of the dwellings is acceptable, as they follow the established building line on Montserrat Rise.

The scale of the dwellings is acceptable, as they are consistent with the existing dwellings on Montserrat Rise.

Therefore, the access, layout and scale of the proposed development are considered acceptable in design terms and in accordance with Local Plan Policies BES and BE1.

3. Impact on Amenity of Neighbouring Properties

Whilst the owners of Nos. 12 and 27 Montserrat Rise have raised concerns of overlooking, it is considered that the proposals would not harm the residential amenities of these or other properties in this regard. There might be an opportunity to overlook the rear garden of No. 27 Montserrat Rise from the rear decking of the adjacent new dwelling, but this could be overcome with screening along the edge of the decked area and/or planting along the boundary. These matters would be addressed as part of the reserved matters application for appearance and landscaping.

4. Impact on Local Highways

Whilst a number of objectors have raised concerns with the impact of the development on local access and parking, it is considered that two dwellings would not have a significant additional impact. The Highways department has also raised no objection.

Therefore, the proposed development is acceptable from a highways perspective and the development accords with the relevant Local Plan Policy T26.

5. Car Parking

The proposed dwellings include integral garages and driveways. There would be space to park two cars off-street for each of the dwellings. Therefore, the proposals accord with the Council's parking standards set out in Local Plan Policy T25.

6. Impact on Wildlife

The Ecology Report submitted with the application identifies a number of protected and priority species that are either on the site or could realistically be present. In addition, it identifies a main badger sett and numerous outlier setts in close proximity to the site to the south. Full badger surveys were undertaken in 2011 and 2012.

The Ecology Report includes a mitigation and enhancement strategy to address the protected and priority species either present or likely to be present. In the case of badgers, it recommends a re-survey is undertaken before development commences, various mitigation measures are put in place during construction and planting mixed native shrubs of potential value to badgers around the sett as a barrier and foraging habitat.

It is considered that the proposed development is acceptable provided a detailed mitigation and enhancement strategy is made a condition of planning permission, as well as a badger survey before development commences.

The mitigation and enhancement strategy could take the form of a Landscape and Ecological Management Plan (LEMP) and include proposals to enhance and manage the remaining fields to the east for increased biodiversity gain. The mitigation and enhancement strategy should include timing of ecological works and require the involvement of a suitably qualified ecologist at all stages. It is considered that the mixed native shrub planting for badgers should be planted before development commences on site and it should include some larger specimens, so that it is in place before any existing habitat is removed. This planting should be undertaken following the advice of a suitably qualified ecologist.

In addition, should the application be permitted, a condition is required for a Construction Method Statement in order to minimise nuisance to local residents and highway users. This should also include ecological mitigation measures that are followed throughout the construction period to ensure there is no harm to protected and priority species during construction.

Provided the above measures are secured by condition, the proposed development is considered to accord with the relevant Local Plan Policy NC5.

7. Drainage

The application proposes to discharge surface water to the main sewer and South West Water does not object to this. However, the Engineering - Drainage department has confirmed that the number of dwellings that drain to the Aller storage lagoon via the main sewer now exceeds its original design. Therefore, it would be beneficial on flood risk grounds that a sustainable drainage system is investigated first and only if this is not possible should the development connect to the main sewer. If the former is not possible then surface water should be attenuated in order to limit surface water discharge to the greenfield runoff rate. This approach accords with Local Plan Policy EPS and paragraph 103 of the NPPF. Therefore, should the application be permitted, a suitable condition is required to secure this.

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:

£100.00 - Waste Management (Site Acceptability)
£7,220.00 - Sustainable Transport (Sustainable Development)
£940.00 - Lifelong Learning - Libraries (Sustainable Development)
£4,740.00 - Greenspace and Recreation (Sustainable Development)

TOTAL = £13,000.00

TOTAL + 5% Administration Charge = £13,650.00

In addition, a contribution of £2,600.00 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:

£100.00 - Waste Management (Site Acceptability)
£2,600.00 - SDLR
£6,353.33 - Sustainable Transport (Sustainable Development)
£73.33 - Lifelong Learning - Libraries (Sustainable Development)
£3,873.33 - Greenspace and Recreation (Sustainable Development)

TOTAL = £13,000.00

TOTAL + 5% Administration Charge = £13,650.00

A section 106 agreement is being prepared 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 waste and recycling bins to the proposed dwellings. It also complies 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 improving the local cycle network. The NPPF and Local Plan Policy T2 promote sustainable transport modes. The proposed dwellings would generate additional trips and should therefore contribute toward sustainable transport in the area.

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 Torquay Library, including upgrading IT equipment. The proposed dwellings would place additional demand on the services provided by Torquay Library 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 and will be used towards improving maintenance, management and equipment at existing facilities within easy walking distance of the site. The dwellings would place additional demand on these facilities and the contribution will ensure these facilities are provided with funding to mitigate the proposed development.

Conclusions

In conclusion, the principle of the development is considered acceptable, as part of the site is allocated for housing and the remaining part in the ULPA is a small part of the ULPA and its loss is not considered to harm the value of the ULPA and its contribution to the urban environment. In addition, the development would allow pedestrian access to the remaining fields to the east of the site for amenity purposes and, by condition, would provide biodiversity enhancements to the land to the east.

Whilst appearance and landscaping are reserved matters, the proposed design is acceptable and there would be no harm to residential amenity or local highways

beyond the construction period. Whilst protected and priority species have been identified on and close to the site, including a main badger sett and outlier setts, mitigation and enhancement measures have been put forward and details of these should be secured by condition of planning permission if granted.

Condition(s)/Reason(s)

01. Reserved matters (appearance and landscaping)
02. Construction Method Statement (incorporating ecological mitigation measures)
03. Tree/hedgerow protection
04. Materials
05. Surface Water Drainage
06. Car parking provided before occupation
07. Pedestrian access from road to fields to east
08. Ecological mitigation and enhancement strategy/LEMP
09. Planting (timing)
10. External lighting
11. Bin and cycle storage provided

Relevant Policies

HS - Housing Strategy
H1 - New housing on identified sites
H9 - Layout, and design and community aspects
H10 - Housing densities
H11 - Open space requirements for new housing
CF2 - Crime prevention
CF6 - Community infrastructure contributions
R12 - New recreational footpaths
LS - Landscape strategy
L5 - Urban Landscape Protection Area
L8 - Protection of hedgerows, woodlands and o
L9 - Planting and retention of trees
NCS - Nature conservation strategy
NC5 - Protected species

EPS - Environmental protection strategy
EP5 - Light pollution
BES - Built environment strategy
BE1 - Design of new development
T25 - Car parking in new development
T26 - Access from development onto the highway