

Application Number

P/2013/0324

Site AddressPaignton Library
Courtland Road
Paignton
Devon
TQ3 2AB**Case Officer**

Matt Diamond

Ward

Roundham With Hyde

Description

Erection of two blocks of sheltered housing flats comprising 22 no. 1-bed flats and 16 no. 2-bed flats (38 flats in total) (Use Class C3), with connecting owners lounge, guest suite and associated access and parking; following demolition of existing library building.

Executive Summary/Key Outcomes

The proposals are to erect two blocks of sheltered housing flats on the site, following demolition of the existing vacant and semi-derelict former library building. A total of 38 flats would be provided (22 no. 1-beds and 16 no. 2-beds), plus a 1-bed guest suite. The blocks would be connected by a single storey glazed entrance and owners lounge. Access to the site would be reconfigured and a parking area provided for 16 cars (including 2 disabled spaces). The existing footpath through the site connecting Courtland Road to Victoria Park would be retained and realigned.

The proposals would regenerate a site with a vacant building that is being vandalised and rapidly falling into a state of disrepair. The proposed scheme has been designed in accordance with the findings and guidance of the Torbay Design Review Panel. The design is considered to be high quality and appropriate to the Polsham Park sub-area of the Polsham Conservation Area.

The level of parking is considered acceptable. Policy T25 of the Adopted Torbay Local Plan 1995-2011 ('the Local Plan') includes reduced parking standards for sheltered flats compared to normal dwelling houses. The policy sets a maximum standard of 0.5 car parking spaces per dwelling for sheltered flats. The proposals provide 0.4 spaces per dwelling. However, this is acceptable given the close proximity of the site to the facilities and services within Paignton Town Centre, and bus services along Torquay Road.

There are many trees on the site, mainly around the site boundary. Whilst a few trees would be removed, the most significant trees would be retained.

An independent viability assessment has been carried out, which concludes that it is not viable to provide a policy compliant level of affordable housing and contributions with the scheme. However, it is viable to provide a contribution towards delivering affordable housing on other sites within Torbay equating to 8% of the total number of flats, as well as the policy compliant contributions towards waste management and the South Devon Link Road (SDLR). These contributions have been agreed between the applicant and officers. A section 106 agreement is currently being prepared by Torbay Council Legal Services to secure these contributions.

A number of conditions are required to address technical matters, which are listed at the end of this report.

Recommendation

Conditional approval; subject to signing section 106 agreement securing contributions within 13 weeks of the valid application being submitted, or the application be refused; conditions at end of report.

Statutory Determination Period

The application is a major application because the development comprises more than 10 dwellings. The application was validated on 22.11.2013. The 13 week determination date is 22.02.2014.

Site Details

The site is the old Paignton library site on Courtland Road, Paignton. The building is vacant and in a state of disrepair. The site area is 0.4ha. The site is bounded by Courtland Road to the north, residential properties to the west and east, and Victoria Park to the south.

The site is located within the Polsham Park sub-area of the Polsham Conservation Area. This area was a planned residential estate built in the 1890s. The Character Appraisal for the conservation area describes the estate as 'an important exemplar of a garden suburb with its mix of terraced, semi-detached and detached houses, all with their own front and rear gardens or areas in their plot - the larger the house the more lavish the ornament'. The houses are urban in form and predominantly feature the local red sandstone, as well a rich variety of ornamental detail in stonework, joinery and glazing. The detached houses around the site in particular are rich in decorative elements, much in an Arts and Crafts style.

There are a number of trees on the site mainly around the boundary, including a high quality London plane and fair quality magnolia to the rear of the existing building.

A footpath passes through the site between Courtland Road and Victoria Park to the west of the existing building. Whilst this is used by the public it is not a public

right of way.

It has been discovered that the site was once used as a Victorian tip and the ground conditions consist of made ground.

Detailed Proposals

The proposals are to demolish the existing building and erect two blocks of sheltered housing flats on the site, linked by a single storey glazed entrance and owners lounge. A total of 38 flats would be provided (22 no. 1-beds and 16 no. 2-beds), plus a 1-bed guest suite. The blocks would be three and a half storeys high with accommodation provided in the roof. The blocks have been designed to fit into the character of the conservation area and can be described as a contemporary interpretation of the Victorian villas that characterise the Polsham Park estate. The predominant building material would be red sandstone, with white brick plinths, quoins and bays.

The existing vehicular entrance to the site would be closed and a new entrance created to the east. This would lead to a parking area with 16 car parking spaces (2 disabled). A store would also be provided for 2 or 3 mobility scooters. The existing footpath would be realigned further to the west. Whilst some trees would be removed, the majority would be retained including the London plane and magnolia to the rear. The rear of the site would be used as informal gardens.

An independent viability assessment has been carried out showing that it is not economically viable to provide a policy compliant level of affordable housing with the scheme. However, it is viable to provide a contribution towards delivering affordable housing off-site equating to 8%. It is also viable to provide the full contributions towards waste management and the South Devon Link Road (SDLR). The applicant has agreed to sign a section 106 agreement securing these contributions. This is currently being drafted by Torbay Council Legal Services.

Summary Of Consultation Responses

Housing Services: Disappointed that contributions have been reduced, including affordable housing, but recognise this is a result of an independent viability assessment. Therefore, there are no grounds for objection.

Highways/Strategic Transportation: The footpath is not a public right of way and it will need to be confirmed if it is intended to make it a public right of way. Notwithstanding, the footpath should be widened to 3 metres and a 2.5 metre wide new bridge to Victoria Park built to allow for a shared use footway/cycleway.

The revised entrance proposals require changes to parking along Courtland Road costing £1,500. Build outs must be constructed at the access points to improve visibility and pedestrian safety.

A Travel Plan should be secured by condition.

A sustainable transport contribution of £31,132 is required (this does not take into account the IVA).

Engineering: Drainage: No details provided on proposed soakaways. This information should be provided before planning permission is granted.

SW Water: Only foul drainage to connect to the foul or combined sewer. A sustainable urban drainage system should be used to remove surface water. If this is not viable the developer should contact SW Water.

Arboricultural Officer: A detailed Arboricultural Implications Assessment in line with BS 5837:2012 is required, together with a landscape strategy or detailed landscape plan before a recommendation of support on arboricultural merit can be made.

English Heritage: Accept demolition of existing building. Pleased that Courtland Road elevation responds to surrounding context. A streetscene drawing should be submitted of the park elevation in order to fully understand how it responds to the locality. The views of the Torbay Design Review Panel should be sought.

Police Architectural Liaison Officer: The development should be constructed in accordance with Secured by Design standards and this should be secured by condition. Recommended minor design improvements to reduce crime and disorder.

Building Control: A ground investigation report will be required to support the foundation design. A BR application is required.

Summary Of Representations

One objection and one letter of support received. The following issues have been raised:

- Block of modern flats not in keeping with current houses
- Impact on privacy and daylight
- Additional noise and traffic
- Courtland Road already very busy
- Loss of trees and impact on wildlife
- Impact on people using the park
- Lack of parking for Nursery who use the site for parking at present
- Impact on on-street parking
- More details of the exact boundary, construction and maintenance of the boundary and who will be responsible of drain/culvert under the tennis

courts required

These representations have been reproduced and sent electronically for Members consideration.

Relevant Planning History

DE/2012/0036: Proposed 40 units of sheltered housing for the elderly apartments; communal facilities, car parking and landscaping (pre-application enquiry): Pending Consideration

ZP/2007/0351: Development Over 2/3 Storeys (pre-application enquiry): Approve 19.04.2007

P/2001/0652: Alterations And Erection Of Extension To Provide A Computer Suite With Entrance Lobby, Wcs, Landing Ramp And Stairs: Approved 06.08.2001

Key Issues/Material Considerations

The key issues are:

1. Principle of Development
2. Design
3. Impact on Character and Appearance of Conservation Area
4. Impact on Amenity of Neighbouring Properties and Park
5. Impact on Trees
6. Impact on Biodiversity
7. Impact on Highways and Parking
8. Drainage

1. Principle of Development

The principle of the development is acceptable. The existing building is vacant and becoming dilapidated. The new use as sheltered housing flats would fit into the character of the area, which is predominantly residential. The scheme would result in the beneficial reuse of the land in accordance with Local Plan Policy EP6.

2. Design

The design of the building is high quality and appropriate for the character of the area. It follows a pre-application enquiry submitted by the applicant where the scheme was taken to the Torbay Design Review Panel (TDRP). The Panel was run as a design workshop, where Panel Members, officers and the applicant's design team worked together in order to agree the correct design response for the site. The applicant's original proposals were subsequently revised to accord with the Panel's findings and guidance. Further to this, officers were able to negotiate the use of red sandstone instead of brick on the elevations.

The layout of the site is appropriate and follows TDRP's advice. The existing footpath through the site would be retained and overlooked by the development for safety. Strategic Transportation has requested the widening of this footpath, but this is considered unnecessary given the adjacent trees which it is preferable to retain. Likewise, a new bridge is considered unnecessary. Signage could be erected to encourage cyclists to push their bicycles along this stretch of footpath to avoid conflicting with pedestrians.

A detailed landscaping plan is required, which can be secured by condition.

A condition could also be added to require Secured by Design certification, as requested by the Police Architectural Liaison Officer.

The design is considered appropriate. Therefore, the proposals accord with Local Plan Policies BES and BE1, and Section 7 of the NPPF.

3. Impact on Character and Appearance of Conservation Area

The design has taken into account the character of the Polsham Park sub-area of the Polsham Conservation Area. This was a key consideration of the TDRP. The blocks have been designed to look like two Victorian villas that characterise the Polsham Park estate, all-be-it they are a contemporary interpretation of these villas. They will be constructed from red sandstone, which is a strong characteristic of the conservation area.

Therefore, the proposals accord with Local Plan Policy BE5, and Section 12 of the NPPF.

4. Impact on Amenity of Neighbouring Properties and Park

Despite an objection from a local resident living in a flat on the opposite side of Courtland Road, it is considered that the proposed development would not have an adverse impact on the amenities of nearby occupiers. There is sufficient separation distance between the proposed blocks and nearby properties to maintain adequate levels of privacy and daylight. Likewise, despite concerns by the same objector, it is considered that the proposed development would not have an adverse impact on the amenities of users of the park.

Therefore, the proposals accord with Local Plan Policies H9 and H10, and paragraph 17 of the NPPF.

5. Impact on Trees

The majority of trees on the site would be retained, but inevitably some trees would need to be removed as a result of the proposals. None of the trees to be removed are significant. The London plane and magnolia trees to the rear of the site would be retained within the gardens.

The Arboricultural Officer has requested a detailed Arboricultural Implications Assessment and landscaping strategy. The former is considered unnecessary given the overall benefits of the scheme; however, an Arboricultural Method Statement and Tree Protection Plan would be required by condition if planning permission is granted showing how existing trees would be protected during construction. The detailed landscaping strategy can be secured by condition.

Therefore, subject to the conditions above, the proposals accord with Local Plan Policies L9, L10 and BE2.

6. Impact on Biodiversity

An Extended Phase 1 Habitat Survey was carried out and submitted with the application. This states that the value of habitats on site is low and relatively insignificant.

However, the site is used by birds (none are Devon BAP species), so nest boxes should be included and site clearance should not take place during the bird breeding season. These can be secured by condition.

No bats were observed on the site, but a precautionary approach to the demolition of the existing building is recommended. This can be dealt with by condition.

The site has a very limited potential for reptiles or protected amphibians. Therefore a works method statement is recommended to minimise any potential impacts on reptile and amphibian species. This can be secured by condition.

Therefore, subject to the conditions above, the proposals accord with Local Plan Policies NCS and NC5.

7. Impact on Highways and Parking

Despite concerns raised by the objector, Highways and Strategic Transportation do not object to the proposals. This takes into account the traffic generated by the scheme. However, £1,500.00 is required to amend the existing waiting restrictions on Courtland Road and build outs must be constructed at the access points to improve visibility and pedestrian safety. The former shall be secured via a 278 agreement with the Local Highway Authority, which shall be a condition of planning permission if granted. The latter can be dealt with via a condition for detailed access plans.

A Travel Plan is also required, which can be secured by condition.

16 car parking spaces (2 disabled) would be provided for the 38 flats. This is a parking ratio of 0.4. This is considered acceptable given the close proximity of the site to the facilities and services available in Paignton Town Centre, and bus services along Torquay Road. The TDRP also suggested some form of 'car club'

for residents. Local Plan Policy T25 sets a maximum parking ratio of 0.5 spaces per dwelling for sheltered flats.

Therefore, subject to the conditions above, the proposals accord with Local Plan Policies T25 and T26.

8. Drainage

It has been discovered that soakaways are not possible on the site, due to the ground conditions. Therefore, the applicant is in discussions with the Council's Engineering department regarding the most appropriate method to dispose of surface water from the site. One option is to discharge into the ditch between the park and the site. This could have the added benefit of enhancing biodiversity.

Should the application be approved, a condition is needed requiring the submission of the proposed drainage strategy prior to commencement of development to avoid the risk of flooding.

S106/CIL -

A section 106 agreement is currently being prepared by Legal Services to secure the following contributions:

Waste Management (Site Acceptability)	£ 1,900.00
South Devon Link Road	£ 15,850.00
Payment in lieu of on-site affordable housing	£421,775.50
5% Administration Charge	£ 887.50
Total =	<u>£440,413.00</u>

These contributions have been agreed with officers following an independent viability assessment. The assessment concluded it was unviable to provide the full policy compliant level of affordable housing and contributions.

Justification:

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 affordable housing is justified in Section 3.0 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD

(LDD6). It also accords with Local Plan Policy H6.

Conclusions

In conclusion, the proposals would provide a high quality development on a site with a vacant and semi-derelict building. Therefore, it would tidy up the site and bring it back into beneficial use. The design is appropriate for the surroundings and it would enhance the character of the conservation area. It has taken into account the findings and guidance of the Torbay Design Review Panel. A number of conditions are required to deal with technical matters. A section 106 agreement is required to secure the contributions that have been agreed with officers as being viable following an independent viability assessment.

Condition(s)/Reason(s)

01. No development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority: (1) Evidence that trial holes and infiltration tests have been carried out on the site to confirm whether the ground is suitable for a soakaway(s). Trial holes and infiltration tests must be carried out in accordance with Building Research Establishment Digest 365. In addition, evidence demonstrating that the use of a soakaway(s) at this location will not result in an increased risk of flooding to surrounding buildings, roads and land. This should take into consideration re-emergence of surface water onto surrounding properties after it has soaked away. In the event that the evidence submitted under (1) above demonstrates that the ground conditions are suitable for a soakaway(s) and will not result in an increased risk of flooding to surrounding buildings, roads and land: (2) Detailed design of the soakaway(s) in accordance with Building Research Establishment Digest 365, including how it has been sized and designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change.(3) Details of the surface water drainage system connecting the new building to the soakaway(s), which must be designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change. In the event that the evidence submitted under (1) above demonstrates that the ground conditions are not suitable for a soakaway(s) or will result in an increased risk of flooding to surrounding buildings, roads and land: (4) Evidence of how surface water will be dealt with in order not to increase the risk of flooding to surrounding buildings, roads and land. None of the dwellings shall be occupied until the approved surface water drainage system has been completed as approved and it shall be continually maintained thereafter.

Reason: In the interests to adapting to climate change and managing flood risk, and in order to accord with saved Policy EPS of the Adopted Torbay Local Plan 1995-2011 and paragraph 103 of the NPPF.

02. No development shall take place until a Construction Method Statement

has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (a) the parking of vehicles of site operatives and visitors (b) loading and unloading of plant and materials (c) storage of plant and materials used in constructing the development (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate (e) wheel washing facilities (f) measures to control the emission of dust and dirt during construction (g) a scheme for recycling/disposing of waste resulting from demolition and construction works (h) measures to minimise noise nuisance to neighbours from plant and machinery

Reason: To safeguard the Local Planning Authority's rights of control over these details to ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the convenience of highway users.

03. No development shall take place until a Works Method Statement is submitted to and approved in writing by the Local Planning Authority setting out the steps that will be taken during construction to minimise any potential impacts on reptile and amphibian species. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of biodiversity and in order to comply with saved Policies NCS and NC5 of the Adopted Torbay Local Plan 1995-2011, and paragraph 118 of the NPPF.

04. Demolition of the existing building and removal of trees and vegetation shall not be undertaken during the bird breeding season from March to September, inclusive. If this period cannot be avoided a pre-works check by a qualified ecologist must be undertaken to ensure there are no nesting birds present on the site. If breeding birds are found or suspected, works will not be permitted until the ecologist is satisfied that breeding is complete.

Reason: In the interests of biodiversity and in order to comply with saved Policies NCS and NC5 of the Adopted Torbay Local Plan 1995-2011, and paragraph 118 of the NPPF.

05. Demolition of the existing building shall take place in the presence of a qualified ecologist and shall follow the precautionary approach set out in the submitted Extended Phase 1 Survey by Just Ecology Limited dated March 2013. If bats are found or suspected, works will not be permitted until the ecologist is satisfied that they can continue without harming the bats.

Reason: In the interests of biodiversity and in order to comply with saved Policies NCS and NC5 of the Adopted Torbay Local Plan 1995-2011, and paragraph 118

of the NPPF.

06. No development shall take place until an Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837:2012 (or any superseding standard) have been submitted to and approved in writing by the Local Planning Authority. This shall include location and details of protective fencing, which must be erected before development commences and retained until the completion of the development. No vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences. The approved Arboricultural Method Statement and Tree Protection Plan shall be adhered to throughout the construction period.

Reason: To protect the trees which are to be retained in the interests of the amenities of the area and in order to comply with saved Policies L9 and L10 of the Adopted Torbay Local Plan 1995-2011.

07. No development shall take place until a Landscaping Scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The Landscaping Scheme shall include hard and soft landscaping, including the treatment of the vehicular access and parking to serve the site. The hard landscaping shall be constructed as approved prior to the occupation of any of the dwellings. The soft landscaping shall be planted within the first planting season following the occupation of any of the dwellings or completion of the development, whichever is the sooner, or in earlier planting seasons where practicable, 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 similar size and species.

Reason: In the interests of design and in order to accord with saved Policy BE2 of the Adopted Torbay Local Plan 1995-2011, and paragraph 58 of the NPPF.

08. No development shall take place of the buildings hereby permitted until an External Materials Schedule has been submitted to and approved in writing by the Local Planning Authority showing full details of all external materials of the building, including specification and images. The External Materials Schedule shall include the arrangements for the display of samples of materials on site prior to the approval of the same. The building shall be constructed from the materials approved.

Reason: In the interests of design and in order to accord with saved Policies BE1 and Be5 of the Adopted Torbay Local Plan 1995-2011, and paragraph 58 of the NPPF.

09. No development shall take place until a Section 278 Highways Agreement has been entered into in order to secure the necessary works to the public

highway. The 278 works shall include changes to the existing waiting restrictions along Courtland Road and build outs at the access points to break up the parking into sheltered bays and provide improved visibility for vehicles and pedestrians exiting the site. The works shall be implemented prior to the occupation of the first dwelling.

Reason: In order to ensure a suitable form of development in accordance with saved Policies TS, T1 and T26 of the Adopted Torbay Local Plan 1995-2011.

10. No development shall take place until a detailed access plan of the proposed vehicular access on Courtland Road has been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed as approved.

Reason: In order to ensure a suitable form of development in accordance with saved Policies TS, T1 and T26 of the Adopted Torbay Local Plan 1995-2011.

11. Prior to the occupation of any of the dwellings hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority setting out measures that will be undertaken to encourage and facilitate the use of sustainable modes of travel by the future occupants of the dwellings instead of the private car. The development shall be promoted as a low car development in the Travel Plan. The measures shall be implemented as approved.

Reason: To encourage and facilitate the use of sustainable modes of travel by the future occupants of the dwellings in accordance with saved Policies TS and T2 of the Adopted Torbay Local Plan 1995-2011 and Section 4 of the NPPF.

12. Prior to the occupation of any of the dwellings hereby permitted, an external lighting scheme of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the specification of the external lighting to account for the protection of the amenities of neighbouring properties from light pollution. The external lighting scheme shall be implemented as approved prior to the occupation of any the dwellings. Should any of the external lighting become damaged and need replacement it shall be replaced with external lighting of the same specification. No additional external lighting shall be installed on the building or the site.

Reason: In the interests of crime prevention in accordance with saved Policy CF2 of the Adopted Torbay Local Plan 1995-2011 and to ensure the protection of neighbouring properties from light pollution in accordance with saved Policies H9 and EP5 of the Adopted Torbay Local Plan 1995-2011 and paragraph 17 of the NPPF.

13. Prior to the occupation of any of the dwellings hereby permitted, a

contamination survey of the site shall be submitted to an approved in writing by the Local Planning Authority. Should contamination be found on the site, the Contamination Survey shall include measures to either remove the contamination or render it harmless to peoples' health and safety. The measures shall be carried out as approved prior to the occupation of any of the dwellings.

Reason: In the interests of health and safety in accordance with saved Policy EP7 of the Adopted Torbay Local Plan 1995-2011.

14. The development shall be built to Secured by Design Standards and shall aim to achieve a full certification in this regard. Evidence that this has been achieved shall be submitted to and approved in writing prior to the occupation of any of the dwellings. This shall account for the advice by the Police Architectural Liaison Officer.

Reason: In the interests of crime prevention in accordance with saved Policy CF2 of the Adopted Torbay Local Plan 1995-2011.

15. None of the dwellings shall be occupied until all of the car parking spaces and access thereto shown on the approved plans have been provided and made available for use. The car parking spaces shall be kept permanently available for parking and access purposes thereafter, and shall be clearly marked as being designated to individual dwellings and/or visitors parking.

Reason: To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use, in accordance with saved Policies T25 and T26 of the Adopted Torbay Local Plan 1995-2011, and in the interests of highway safety and in order to protect the residential amenities of the neighbourhood.

Relevant Policies

HS	Housing Strategy
H2	New housing on unidentified sites
H6	Affordable housing on unidentified sites
H9	Layout, and design and community aspects
H10	Housing densities
CFS	Sustainable communities strategy
CF2	Crime prevention
CF6	Community infrastructure contributions
IN1	Water, drainage and sewerage infrastructure
L9	Planting and retention of trees
L10	Major development and landscaping
NCS	Nature conservation strategy
NC5	Protected species

EPS Environmental protection strategy
EP1 Energy efficient design
EP5 Light pollution
EP6 Derelict and under-used land
EP7 Contaminated land
EP8 Land stability
BES Built environment strategy
BE1 Design of new development
BE2 Landscaping and design
BE5 Policy in conservation areas
TS Land use transportation strategy
T2 Transport hierarchy
T25 Car parking in new development
T26 Access from development onto the highway