

Application Number

P/2014/0045

Site AddressLand At
Waterside Road
Paignton
Devon**Case Officer**

Mr Alexis Moran

Ward

Churston With Galmpton

Description

3 No. Detached dwellings and associated access/parking provision

Executive Summary/Key Outcomes

The application site is located towards the end of Waterside Road and adjacent to Dartmouth Road, Paignton. The site incorporates a small and underutilised car park and is generally flatter than the surrounding area having been quarried at some point in the past. The site is to the far north of an Urban Landscape Protection Area (ULPA) which spreads to the higher ground to the South.

The application is to determine the principle in outline for the addition of three detached residential properties with all matters reserved other than access and parking.

The principle of three dwellings in this location is considered to be acceptable with the building heights and design to be determined at reserve matters stage. It is considered that suitably designed and scaled properties, along with sufficient additional landscaping, would result in the dwellings having an acceptable impact on the ULPA and the potential through detailed design to improve the landscape character of the area.

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'.

Recommendation

Subject to completion of a S106 legal agreement, and receipt of satisfactory revised plans to attend to the need for adequate visibility for plot 3; outline planning permission be granted with conditions as set out at the end of the report.

Statutory Determination Period

The eight week target date for the application is 17.03.2014. The timescale for signing the S106 agreement which in this case will be on the sale of the site (as it is in the Council's ownership) will determine when the decision is issued. It is likely this will exceed the target date. However, this delay has been agreed with the applicant.

Site Details

The application site is located towards the end of Waterside Road and adjacent to Dartmouth Road, Paignton. The site incorporates a small and underutilised car park and is within an Urban Landscape Protection Area (ULPA).

This area has been designated as an ULPA because of the contribution it makes to the natural environment through the area of open space it provides. This is part of a larger area designated as an ULPA which covers the higher land to the South and forms a border with the more urban areas surrounding it.

Permission has been granted for the addition of three dwellings on the higher ground to the South (within the curtilage of The Stoep) which has not had a detrimental impact on the ULPA. There is an existing underutilised car park within the site with sporadic tree clusters with the majority of the land being maintained grass. The proposed dwellings are to be located in a small section to the North of the ULPA which includes the existing area of the car park.

Detailed Proposals

The application is submitted in outline with all matters reserved, other than access and parking, for the construction of three detached dwellings.

The houses proposed in the submitted plans show large three storey detached residential properties with integral garages.

The addition of three storey pitched roof dwellings within the ULPA may have a detrimental impact on its open character and the outlook available from public vantage points. This is however an issue that would be dealt with at reserved matters stage with the current application considering the principle of three dwellings on the site in outline.

Summary Of Consultation Responses

Highways: A visibility splay of 43m x 2.4m x 43m is required to make the proposals acceptable. There is a concern that plot 3 may not be able to provide the necessary splay. The applicant has been made aware of this and revised plans are awaited.

Sustainable transport SPD contribution to be used on improving cycle routes in the immediate area

Drainage A condition should be added requiring further tests the submission of further information to confirm that a satisfactory sustainable drainage system or other form of system can be added to the site which would not increase surface water discharging to the combined sewer system

Trees No objection provided a detailed landscaping scheme is submitted at reserve matters stage

RSPB No objection provided the recommendations of the 'Preliminary Ecological Appraisal' undertaken by 'Green Ecology' dated April 2013 (ref: 13-04-457) are implemented.

Natural England Standing Advice should be applied

Summary Of Representations

None

Relevant Planning History

None

Key Issues/Material Considerations

As the application is in outline with appearance, layout, landscaping and scale to be considered at reserved matters stage the form of development does not need to be addressed at this time. It is the principle of the development on the site that should be considered under this application.

Plans have been submitted showing three storey properties. Officers consider that the size, height and scale of the dwellings shown would need to be tested with regards to their visual impact. It is likely that a more recessive design approach along with suitable landscaping will be required to protect the character of the ULPA.

The main issues to consider at outline stage are...

1. Principle of the development within the UPLA
2. Impact on highways - access
3. Neighbouring occupiers amenity

1. Principle

i) The site is located within an ULPA and this application therefore falls to be considered against Policy L5 of the Saved Adopted Torbay Local Plan 1995-2011. This states that development will not be permitted within Urban Landscape Protection Areas which would 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.

ii) The submitted plans are only indicative with full details of materials, design

and building heights to be submitted at reserved matters stage.

iii) Due to the topography of the area the site is located towards the bottom of a steep, elongated hill and as such is set slightly below the Dartmouth Road and is partially masked by a bank and trees along its curtilage. Having been partially quarried for its Torbay limestone the site is somewhat shallower in terms of its topography than its surroundings proving an open feel to the area.

iv) As well as having an underutilised car park, the site is in general underused and given that its current state is one of a kept lawn with sporadic trees, this development offers the opportunity to provide biodiversity and landscape enhancements through additional landscaping which would improve the appearance of the natural environment in the area. This is specified in the 'Preliminary Ecological Appraisal' undertaken by 'Green Ecology' dated April 2013 (ref: 13-04-457).

v) It is considered that suitably designed and scaled properties, along with sufficient additional landscaping, would result in the dwellings having an acceptable impact on ULPA with the potential for the landscaping mitigating to improve the landscape character of the area.

vi) The development at The Steep for three detached dwellings to the South of the ULPA (P/2008/1350, approved by committee 28.11.2008) has not had a detrimental impact on the open character of the area. With the proposed development being to the far North of the site, the combination of the two will not seriously harm the value of the ULPA as an open element. Since the combined developments will preserve the open character of the ULPA it will continue to add to the urban environment and will maintain its existing role of providing a visual break and a border between urban areas.

vii) The principle of three detached properties in this location is considered to be acceptable. It may be that three storey buildings and/or pitched roofs would not be acceptable when considering the visual impact on the site and the ULPA. These issues will however be considered and tested at reserved matters stage. Officers are satisfied that three appropriately designed and scaled dwellings could be developed with associated landscaping so as to retain the open character of the ULPA.

viii) In terms of the additional housing the site will provide, a balance must be sought in terms of the quality of the properties and the protection of the environment. This scheme offers the opportunity to provide high quality design as well as a chance to enhance the environmental and landscape qualities of the ULPA. The density of housing proposed is considered to be at an acceptable level which provides large properties in suitable plots without eroding the open character of the area. The proposals therefore comply with policies HS, H2, H9 and H10 of the saved adopted Torbay Local Plan 1995-2011.

2. Impact on highways

Visibility splays of 43m x 2.4m x 43m are required for the access to make the proposals acceptable in highways safety terms. The Highways Officer is concerned that plot 3 may not be able to provide the necessary splay. The applicant has been made aware of this and revised plans are awaited.

3. Neighbouring occupiers amenity

In relation to amenity, the closest neighbouring residential property is some 60 metres away, there is a holiday camp (Waterside) some 30 metres from the site but this is well screened and, in any case, sufficiently lower. The additional dwellings are considered to have an acceptable impact on the privacy and amenity of neighbouring properties.

S106/CIL -

Section 106 contributions in accordance with the SPD "Planning Contributions and Affordable Housing: Priorities and Delivery would be required for the following;

Sustainable Transport
Waste Management
Education
Lifelong Learning
Greenspace and Recreation
South Devon Link Road

The actual level of contributions would be dependent on the size of the dwellings. However given the size at outline it is envisaged that each unit would require a contribution of £8,568.00.

Conclusions

In conclusion, the proposed development is acceptable in principle, the density is appropriate to the site and would maintain the exiting open character of the ULPA with positive environmental impacts being sought both at reserve matters stage and through the implementation of the measures advised within the 'Preliminary Ecological Appraisal' submitted with this application. A section 106 agreement is required to secure the necessary contributions as outlined above. Revised plans are also required to attend to the need for adequate highways visibility for plot 3.

Condition(s)/Reason(s)

01. Reserved Matters) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval

within three years from the date of this permission:(i) layout;(ii) scale (including the datum level at which the dwelling are to be constructed in relation to an agreed fixed point or O.S. datum;(iii) appearance (including materials for all external hard-surfaced areas);(iv) landscaping (including boundary treatment and all means of enclosure; b) The reserved matters shall be carried out as approved. c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To ensure that adequate information is available about the detailed nature of the proposals and in accordance with the objectives of Policies BES, BE1, L5, H9 and H10 of the Saved Adopted Torbay Local Plan 1995-2011.

02. 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.

03. The recommendations and proposals set out in the 'Preliminary Ecological Appraisal' undertaken by 'Green Ecology' dated April 2013 (ref: 13-04-457) submitted with this application, (including 6.1 Site Evaluation, 6.2 Mitigation, 6.3 Compensation, 6.4 Enhancement & 6.5 Further Survey Work) shall be implemented in full prior to any development taking place. Additionally each unit should incorporate at least one permanent internal nesting cavity or nest brick designed for swifts in close proximity to the eaves and/or barge boards of gable ends.

Reason: To protect the wildlife on the site in accordance with Policy NC3 of the Saved Adopted Torbay Local Plan 1995-2011.

04. 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 die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of 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 accord with policies H10, L5, L10, BE1 and BE3 of the Torbay Local plan (1995 - 2011).

05. 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.

06. No development shall take place until drawings of the bin store(s) and details for the removal of waste likely to be generated by the development are submitted to and approved in writing by the Local Planning Authority. The bin store(s) shall be constructed in accordance with the approved drawings prior to the occupation of any of the dwellings. The details for the removal of waste likely to be generated by the development shall be implemented as approved prior to the occupation of any of the dwellings and maintained thereafter in accordance with the approved details.

Reason: To ensure appropriate facilities are provided for the storage and removal of waste likely to be generated by the development, including recycling, in accordance with saved Policy W7 of the Adopted Torbay Local Plan 1995-2011.

07. No development shall take place until drawings of the cycle store(s) are submitted to and approved in writing by the Local Planning Authority. Notwithstanding the drawings listed under Condition P1, provision shall be made for the storage of 20 bicycles. The cycle store(s) shall be constructed in accordance with the approved drawings prior to the occupation of any of the dwellings.

Reason: To encourage and facilitate cycling in accordance with saved Policy T2 of the Adopted Torbay Local Plan 1995-2011 and Section 4 of the NPPF.

Relevant Policies

- BES Built environment strategy
- BE1 Design of new development
- BE2 Landscaping and design
- LS Landscape strategy
- L5 Urban Landscape Protection Area
- H9 Layout, and design and community aspects
- H10 Housing densities
- T25 Car parking in new development
- T26 Access from development onto the highway
- HS Housing Strategy
- H2 New housing on unidentified sites
- CF6 Community infrastructure contributions
- CF7 Educational contributions