

Application Number

P/2014/0899

Site Address5 Broadsands Road
Paignton
Devon
TQ4 6JX**Case Officer**

Matt Diamond

Ward

Churston With Galmpton

Description

Erection of two apartment blocks each comprising 2 no. 2-bed apartments and 2 no. 3-bed apartments (8 apartments in total) with associated parking, following demolition of existing building (Re-Submission of P/2013/1093)

Executive Summary/Key Outcomes

This application follows the refusal of an application to redevelop the site for four blocks of flats, comprising 8 flats in total, in December 2013 (ref. P/2013/1093). It addresses the reasons for refusal, which centred on layout and amenity considerations. The revised proposals are for two blocks of flats again comprising 8 flats in total. The revised proposals have moved the blocks further forward on the site, so that they are now in line with the neighbouring buildings. In addition, by reducing the number of blocks on the site from four to two, there are now bigger gaps between the buildings and the neighbouring properties. Consequently, the site no longer appears overdeveloped and there would be no adverse impact on the amenity of neighbouring properties.

The blocks would be two storeys high with much smaller third storeys set back from the main elevations. This reflects the Lascaze dwellings further up the slope. The Lascaze dwellings have no formal designation or protection, but have clear architectural merit. There have been a high number of objections primarily concerned with the height and scale of the proposed blocks as originally submitted. Since the original submission, the plans have been revised to reduce the size of the third storeys. The height and scale of the proposed blocks are now considered to be acceptable given the character of the area.

Recommendation

Conditional approval; subject to full payment of contributions or the signing of a s106 legal agreement to secure contributions, within 3 months of the date of this committee or the application be reconsidered in full by the committee, unless otherwise agreed with the Chairman of the Development Management Committee; conditions are listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Director of Place.

Statutory Determination Period

The application was validated on 05.09.2014. The statutory determination date is 01.11.2014 (8 weeks). Due to the number of objections, the application is being reported to committee. As the committee date is after the determination date, an extension of time will be sought with the applicant.

Site Details

The site comprises a vacant former children's home. Vehicular access is provided off Broadsands Road to the south. The site area is 0.3 hectares. The building is two storeys high.

To the front of the building is a parking area and amenity grass area that has become overgrown. To the side of the building is a double garage and timber shed. To the rear is an area of sloping calcareous grassland that has been left unmanaged for many years. Beyond this is an area of scrub and bracken. The grassland has ecological value. A badger track crosses the grassland, but there is no badger sett on the site. There is a hedge around the southern and part of the eastern boundary. There are a few small trees on the site of limited quality.

The site is bounded by woodland to the north, residential properties around a cul-de-sac to the east (Broad Reach), Broadsands Road to the south and residential properties around a cul-de-sac to the west (Rock Close). The area is primarily residential. There are three good quality Norway Maple trees in the grass verge just beyond the southern boundary.

The site is not located within or affected by any policy designated areas in the Adopted Torbay Local Plan 1995-2011 ('the Local Plan'). However, the site is with close proximity to Tor Rocks, Broadsands Urban Landscape Protection Area (ULPA) to the north. This area is also covered by an area TPO (2001.13) and is within the Torbay - Dartmouth Railway County Wildlife Site (CWS). The site is located within the greater horseshoe bat sustenance zone associated with the South Hams Special Area of Conservation (SAC) at Berry Head.

The site is shown as a 'Potential development site for consideration in the Neighbourhood Development Plan - primarily housing' in the Torbay Local Plan - A landscape for success (Proposed Submission Plan, February 2014)('the new Local Plan'). Whilst the new Local Plan is a material consideration, this designation is shown for information only. The draft Neighbourhood Plan states the site is suitable for about 6 homes (BPNP35). However, as the Neighbourhood Plan has not been through a formal consultation process it can be given no legal weight in decision making.

Detailed Proposals

The proposals are for two blocks of flats. Each block would contain four flats, providing eight flats in total. The blocks would be 2 storeys high with smaller third storeys set back from the main elevations. Since the application was submitted

the plans have been revised by reducing the size of the third storeys, and pulling them back from the side elevations and further back from the front elevations. The blocks would have a contemporary appearance of primarily white render and cedar cladding on the third storeys. The blocks would have flat roofs and offset wings.

The ground floor flats would have small amenity areas to the front and patios to the rear. The first/second floor flats would be duplexes, with balconies to the front and roof terraces. In addition, two communal amenity spaces would be provided on the rear slope. Since the application was submitted the plans have been revised so that the communal amenity areas fit in better with the contours of the land.

The blocks would be sited partly on the footprint of the existing building and partly set into the grassland slope to the rear. This will require soil to be excavated and removed from the site. Whilst set back slightly from the front of the existing building, the blocks would follow the predominant building line of the dwellings in Broad Reach.

A new access from Broad Reach is proposed. This would lead to a parking courtyard in front of the blocks and to the side of the left block. This would provide 16 car parking spaces, two per flat. A bin storage area would be provided near to the new access. The existing hedge would be retained and replacement hedge provided in place of the existing access. A large area of calcareous grassland would be retained on the slope to the rear of the blocks, as would the scrubland to the north adjacent to the CWS.

Summary Of Consultation Responses

Senior Heritage & Design Officer: The introduction of offset wings on the two buildings is a much better response to the urban grain of the area. The development is also complimentary to the currently undesignated heritage assets nearby, the estate of 1930s modernist housing by Lascaze.

Highways/Strategic Transportation: No objection. Parking provision is sufficient. Comments from previous response remain applicable - the visibility splay on the layout is incorrect; however, 23m stated is sufficient for the cul-de-sac and achievable if the existing hedge is reduced to an appropriate length and height. Also recommend the existing vehicular crossing in Broadsands Road is removed and reconstructed as footway under license to the highway authority. Sustainable transport contribution required.

Engineering - Drainage: The proposed surface water drainage system has been designed based on the previous application layout and therefore the drainage report must be updated to show there is no increased risk of flooding from the 1 in 100 year storm event plus an allowance for climate change. Agreed this work can be conditioned.

South West Water: Have agreed to a connection to the public surface water sewer network. Provided the development progresses in accordance with the agreed strategy there are no objections.

Arboricultural Officer: Tree planting required to soften massing of the buildings and fit into the sylvan character of the area. Scheme suitable for approval on arboricultural merit, subject to detailed landscaping plan and tree protective fencing prior to works secured by conditions.

Building Control: Ground investigation report required to support design proposals. It was confirmed this is not a planning issue in this location and therefore does not need to be conditioned.

RSPB: No comments received.

Summary Of Representations

74 representations have been received objecting to the application. However, there are 67 objectors in total, as a few have submitted more than one objection. An objection has been received from the Churston, Galampton & Broadsands Community Partnership. 54 of the representations are signed proforma letters raising the same issues. The following material considerations were raised:

- Too large scale for neighbourhood defined principally by modest bungalow, dormer and villa individual dwellings
- Overdevelopment of plot
- 3 storey buildings are out of keeping with surrounding one and two storey domestic dwellings
- Will visually dominate neighbouring buildings and landscape, including Tor Rocks CWS
- Will have an adverse affect on traffic flow in Broadsands Road and Broadreach
- Traffic generated will be a hazard to an already congested cul-de-sac
- Road where access proposed (Broad Reach) not wide enough to cope with demand of increase in vehicles and visitors - not easy to pass parked vehicles in Broad Reach - health and safety risk
- Will reduce daylight to neighbouring property (1 Broad Reach)
- Proposed access poorly planned
- Should be more in keeping with character of area
- Principle of redevelopment supported
- Impact on calcareous grassland at rear of site
- Will block views of woodland behind site
- Impact on privacy and amenity of adjacent properties
- Will dominate views from coast path and steam railway
- Amount of proposed car parking inadequate
- Contrary to Lescaze original vision of the estate
- Would set a precedent of provision of accommodation at second floor

- level
- Noise and vibration during construction
- Calcareous grassland area should be reduced to provide more 'neat' amenity area
- Contrary to policies in the NPPF
- Two blocks comprise four blocks joined together
- Noise generated from occupation of apartments
- Materials out of character
- Third storey will block flight path of bats
- Out of keeping with policies of Draft Neighbourhood Plan

Relevant Planning History

P/2013/1093: Proposed demolition of existing buildings and construction of 4 blocks each comprising 2no. 2 bed apartments with associated parking areas: Refused 05.12.2013

DE/2013/0022: Redevelopment to provide 8 - 2 bed flats in 2 blocks (pre-application enquiry): Split decision 28.02.2013

P/2012/0419: Redevelopment - formation of apartment block 11 units and 2 detached dwellings and demolish children's home - IN OUTLINE: Withdrawn 06.06.2012

Key Issues/Material Considerations

The key issues are:

1. The Principle of the Development
2. Design
3. Impact on Amenity of Neighbouring Properties
4. Impact on Local Highways
5. Car Parking
6. Biodiversity
7. Drainage
8. Noise

1. The Principle of the Development

The principle of redeveloping the site for residential use is acceptable as the area is predominantly residential. A mix of 2 and 3-bed dwellings would be provided promoting choice and mixed communities in line with the NPPF. Whilst there appears to be support from the community to redevelop the site, the main concern is with the height and scale of the replacement buildings. This is discussed under 'Design' below.

2. Design

The previous application was refused because the proposed blocks were sited

too far back on the site and were too close together, appearing cramped and overdeveloped as a result. The applicant has addressed this by providing two blocks of flats instead of four, allowing them to be moved further forward on the site and for bigger gaps between the buildings. The blocks now follow the building line in Broad Reach and the site no longer appears overdeveloped.

There have been many objections to the proposed development. The main concerns are the height and scale of the blocks compared to the surrounding dwellings. However, these are both considered to be acceptable. The footprints of the blocks are not significantly greater than the existing dwellings in the area. In addition, the central lobbies are a subsidiary element of the blocks, with the main elements either side, which helps to break up their massing. The third storeys are set back from the main elevations, so their presence will not be obvious at ground level. Notwithstanding representations clarifying that the third storeys of the Lescaze dwellings further up the slope do not include accommodation, in terms of height and scale, externally these dwellings appear primarily two storeys with a smaller third storey element and this characteristic is reflected in the design proposals. Therefore, the height and scale of the blocks is consistent with buildings in the immediate vicinity. Whilst the adjoining property, 1 Broad Reach, is a one and a half storey chalet bungalow, it is raised on a substantial brick plinth which increases its overall height. Its ridge level is higher than the second storey parapet of the proposed blocks. Whilst the overall height of the proposed blocks would be taller than this due to the recessed third storey, a stepping up in height between properties is a characteristic of the cul-de-sac. For example, a similar 'stepping up' in height occurs between 3 Broad Reach and 2 Broad Reach. Therefore, the height and scale of the proposals are considered acceptable.

The blocks in the previous application had a handed block pattern, which was considered unsatisfactory. The proposed blocks appear more uniform and therefore fit in better with the collective order characteristic of the Lescaze dwellings.

The proposed blocks would have a contemporary appearance. The designs are considered to be high quality and relate to the Lescaze dwellings. The materials would fit into the character of the area.

The parking layout is considered acceptable. The parking area would be screened from the street by the existing/proposed infill hedgerow. A detailed landscaping plan is required by condition.

Therefore, the proposed development is considered to accord with Local Plan Policies BES, BE1, BE2 and the relevant parts of H9.

3. Impact on Amenity of Neighbouring Properties

The previous application was refused because the blocks were sited too close to

the boundaries of 1 Broad Reach and 4 Rock Close and it was considered that they would have an adverse impact on these properties in terms of overlooking and overshadowing. This has been addressed in the current proposals by moving the blocks further away from these boundaries and siting them at oblique angles. In addition, the third storey floors are now set in from the main elevations, which wasn't the case previously.

Unlike the previous proposals, the proposed blocks do not have rear balconies. Therefore, there will no longer be a risk of overlooking from balconies of surrounding gardens. Whilst the proposed blocks retain roof terraces, these are positioned towards the front of the blocks away from the rear gardens of the adjacent dwellings. Unfortunately, pulling back the third storeys from the side elevations has resulted in extensions of the roof terraces to the sides. However, these are too narrow in width to be used as sitting out areas and sensitively designed privacy screens can be added to the side parapets to prevent potential overlooking. This is only considered necessary for the left block and can be secured by condition.

Details of external lighting should be conditioned to ensure no impact on neighbouring amenity or biodiversity.

Therefore, the proposed development is considered to accord with Local Plan Policies H9 and H10 with regards to privacy and amenity.

4. Impact on Local Highways

Despite a number of objectors raising concerns with the proposed new access onto Broad Reach due to Broad Reach being a narrow road, the Council's Highways department does not object provided the hedgerow is maintained to allow adequate visibility. This can be achieved by condition. Therefore, the proposals are acceptable in terms of impact on local highways and accord with Local Plan Policy T26.

5. Car Parking

Sixteen car parking spaces are proposed for the eight flats providing a parking ratio of 2:1. This is considered appropriate for the size of the dwellings and site location. Therefore, the proposed level of car parking is acceptable. Details of cycle storage should be conditioned.

6. Biodiversity

The calcareous grassland slope to the rear of the site has ecological value. The proposals retain a large amount of this. A revised layout plan has been submitted showing amenity grassland provided to the front and sides of the blocks, with communal amenity areas to the rear. These spaces will encourage residents to use these areas for amenity purposes rather than damage the calcareous grassland. A Landscape and Ecological Management Plan (LEMP) should be conditioned to ensure the biodiversity value of the site is properly managed and

maintained.

The Preliminary Ecological Appraisal confirms no protected species would be harmed by redeveloping the site. However, reptile and badger mitigation should be conditioned to ensure these species are protected during construction. Hedgerow removal must take place outside the bird breeding season, unless in the presence of a suitably qualified ecologist. Again this should be secured by condition.

Therefore, subject to the above conditions, the proposed development accords with Local Plan Policies NCS and NC5.

7. Drainage

Infiltration tests have been carried out which demonstrate that the ground conditions are unsuitable for soakaways. Therefore, it is proposed to drain surface water into the main sewer, but to limit discharge to the existing runoff rate. South West Water has agreed to this and the Council's Engineering department has agreed to condition the requirement for an updated drainage report. The applicant has stated there has been a reduction of impermeable area of 83.2 sq m compared to the previous proposals.

Therefore, subject to the above condition, the drainage proposals are acceptable and accord with Local Plan Policy EPS in this regard.

8. Noise

A small number of objectors have raised concerns with potential noise from the development. However, it is considered occupation of the flats would not have an adverse noise impact on neighbouring properties. The development will have to be built in accordance with the Building Regulations, which will ensure adequate insulation. Noise associated with construction of any development site is inevitable to some degree. However, a condition will be added requiring the developer to submit a Construction Method Statement prior to development works, setting out the times for construction and deliveries to ensure no disturbance to local residents during unsociable hours.

Therefore, subject to the above condition, the proposed development accords with Local Plan Policy EP4.

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:

£400.00	- Waste Management (Site Acceptability)
£8,280.00	- Education (Sustainable Development)
£2,840.00	- Lifelong Learning - Libraries (Sustainable Development)

£17,680.00 - Greenspace and Recreation (Sustainable Development)

TOTAL = £29,200.00

TOTAL + 5% Administration Charge = £30,660.00

In addition, a contribution of £5,464.00 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:

£400.00 - Waste Management (Site Acceptability)

£5,464.00 - SDLR

£6,458.67 - Education (Sustainable Development)

£1,018.67 - Lifelong Learning - Libraries (Sustainable Development)

£15,858.67 - Greenspace and Recreation (Sustainable Development)

TOTAL = £29,200.00

TOTAL + 5% Administration Charge = £30,660.00

A 5% discount applies where full payment is made early. In this case, this would result in a full payment of £29,127.00.

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 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 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 schools in Paignton. The proposed dwellings include more than one bedroom, so could house a family with children. 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 Paignton Library, including IT and Wi-Fi. The proposed dwellings would place additional demand on the services provided by Paignton 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.

Status:

The applicant has confirmed that they wish to enter into a section 106 agreement to pay the contributions. Instructions have been sent to Legal Services to draft the agreement and the applicant has confirmed they will pay Legal Services' fees.

Conclusions

In conclusion, the applicant has revised the design proposals to take into account the reasons for refusal of the previous application. It is now considered to be a high quality development that will fit into the character of the local area. Despite a high number of objections to the application, primarily relating the height and scale of the blocks, the height and scale of blocks is considered to be acceptable and reflect the Lascaze dwellings nearby. The applicant has revised the proposals since the original submission to reduce the size of the third storeys.

Condition(s)/Reason(s)

01. Construction Method Statement
02. Updated Drainage Report
03. Arboricultural Method Statement and Tree Protection Plan
04. No removal of vegetation during bird breeding season, unless in the presence of a suitably qualified ecologist
05. Reptile Mitigation prior to development works
06. Badger Mitigation during development works
07. Detailed Landscaping Plan

08. Landscape and Ecological Management Plan (LEMP)
09. Privacy screen to left block side parapet
10. External lighting details
11. Cycle storage details

Relevant Policies

H2 - New housing on unidentified 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
CF7 - Educational contributions
L8 - Protection of hedgerows, woodlands and o
L9 - Planting and retention of trees
NCS - Nature conservation strategy
NC5 - Protected species
EPS - Environmental protection strategy
EP4 - Noise
EP5 - Light pollution
EP6 - Derelict and under-used land
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 onto the highway
NPPF - National Planning Policy Framework