

Application Number

P/2015/0908

Site Address

Silverlawns Nursing Home
31 Totnes Road
Paignton
Devon
TQ4 5LA

Case Officer

Carly Perkins

Ward

Roundham With Hyde

Description

Partial demolition of main building, extension to and conversion of main building to form 11 residential units, conversion and raising of roof of outbuilding to south western corner of site to form 3 residential units and erection of new building to south eastern corner of site to form 4 residential units to include new vehicular access on to Midvale Road and lane to south of site, parking provision for 18 cars and landscaping scheme.

Executive Summary/Key Outcomes:

The application site was occupied by a nursing home, but the buildings have since fallen into a derelict state following a fire. The building is located on the junction of Totnes Road and Midvale Road and vehicular access to the site is via Totnes Road with a secondary point of access from a private lane off Midvale Road. The building is identified as a key building within the Old Paignton Conservation Area. The Old Paignton Conservation Area Appraisal states that the building has preserved much of its late Victorian/Edwardian character. The red sandstone, glass porch-verandah, pantiles with full cresting and finials to all gables and tall brick chimneys are noted as pleasing features of the building whilst the rear extensions linking the main block to the original outbuildings are of a lesser quality.

The proposals consist of the partial demolition and repair of the original building to include extensions and the conversion of the building to form 11 residential unit, the raising of the roof of the existing outbuilding to the south western corner of the site to form 3 residential units and the erection of a new building to the south eastern corner of the site to form 4 residential units. Vehicular access is proposed via Totnes Road, Midvale Road and a private lane off Midvale Road.

The change of use of this former Care Home to provide new dwellings is acceptable and compliant with both local and national policy. The proposal will result in the regeneration of the currently derelict site to the benefit of the key

building and wider conservation area. The proposed landscaping scheme is considered acceptable and the proposed recommendations of the ecological survey can be secured to ensure there is no detrimental impact to biodiversity. The level of parking is considered acceptable in light of the location of the site and the impact of the development to highway and pedestrian safety is not considered severe and as such would not warrant the refusal of the application.

Recommendation:

Conditional approval subject to the submission of revised surface water drainage details; the completion of a section 106 agreement to secure financial contributions and affordable housing provision and the completion of a section 278 agreement to secure necessary works to the highway. 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:

8 weeks, the determination date is the 22nd December 2015.

Site Details:

The application site was occupied by a nursing home, but the buildings have since fallen into a derelict state following a fire. The building is located on the junction of Totnes Road and Midvale Road and vehicular access to the site is via Totnes Road and a private lane off Midvale Road. The building is identified as a key building within the Old Paignton Conservation Area. The Old Paignton Conservation Area Appraisal states that the building has preserved much of its late Victorian/Edwardian character. The red sandstone, glass porch-verandah, pantiles with full cresting and finials to all gables and tall brick chimneys are noted as pleasing features of the building whilst the rear extensions linking the main block to the original outbuildings are of a lesser quality.

The site is noted within the New Torbay Local Plan 2012-2030 as a potential housing development site for consideration in the Neighbourhood Development Plan. The site is also located within Flood Zone 1 within the Critical Drainage Area.

Detailed Proposals:

The proposals consist of the partial demolition and repair of the original building to include extensions and the conversion of the building to form 11 residential unit, the raising of the roof of the existing outbuilding to the south western corner of the site to form 3 residential units and the erection of a new building to the south eastern corner of the site to form 4 residential units.

The proposals are to be accessed utilising an existing vehicular access from Totnes Road, an existing access from a private lane off Midvale Road and a new access from Midvale Road utilising an existing gap in the sandstone and brick wall. 18 parking spaces are proposed, 1 parking space per unit together with cycle storage and bin storage.

The proposal includes a full landscaping scheme together with an implementation and maintenance scheme.

Summary Of Consultation Responses:

Historic England: This is a redevelopment scheme for a site within Old Paignton Conservation Area which contains a building of some historic and architectural merit that has clearly been left in a dilapidated state after significant fire damage. Whilst the site is not within the historic heart of the Conservation Area, it is a prominent one within an area of late nineteenth expansion to the original town, and the building it contains was an interesting and attractive example of its type.

The scheme to redevelop it appears to be a reasonably sympathetic response to the character of the site and its surrounding area. The form of the reconstructed and extended building pays respect to its original form and is not incongruous in relation to the retained elements, whilst not appearing as a pastiche. The success of the design will depend on the quality of the materials, detailing and construction, which may require careful addition of conditions to any planning consent granted.

Given the prominence of the new block on the street scene, its design does not appear particularly well related to its position on the plot or in the wider Conservation Area. Areas of concern include its block like massing of the building and its lack of articulation in terms of overall roof form, detailing and materials. Whilst this may be driven by the economics of the site it is somewhat disappointing given the care with which the extensions to the main building have been designed and therefore it is considered capable of improvement.

It is recommended that the above issues are addressed and the application determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Senior Historic Environment Officer: Following revisions to the scheme including the omission of the rooflight, repositioning of the bin store, revisions to the window schedule and retention of surviving decorative joinery elements of the porch, the proposal is considered acceptable.

Senior Design and Heritage Officer: In response to comments from Historic England, the new building is supposed to emulate a coach house type

development which would be typical although not as large. The design is a contemporary take on this building type, whilst not to the Senior Design and Heritage Officer's taste it is the sort of building that would do the least harm to secure the future of the main building and wider site.

Green Infrastructure Co-ordinator: Subject to conditions relating to the implementation of the recommendations of the ecological survey, the proposal is considered acceptable in terms of biodiversity. Financial contributions should be sought to allow improvement of existing facilities in the vicinity of the site.

Arboricultural Officer: The scheme is suitable in principle for approval on arboricultural merit subject to the findings of the tree report are enacted in their entirety as a planning condition, a landscape maintenance plan is produced covering a duration of at least 5 years and a revised specification to include a cedrus deodore and two acer griseum being submitted.

Environment Agency: The site is in Flood Zone 1 and the Critical Drainage Area and should be dealt with via the standing advice provided to the Council.

South West Water: No objection.

Drainage Engineer: The sustainable urban drainage system has been under-designed and therefore flooding is likely to occur. In order to identify the correct infiltration rates to be used in the design the infiltration testing must be carried out in accordance with BRE 365. Further information is required prior to the determination of the application.

Senior Strategy and Project Officer: The application is a highly sustainable redevelopment close to the town centre. The car parking is 1 space per dwelling, which is slightly less than the requirement in the emerging Local Plan 2012-2030, but meets the requirement of the Adopted Local Plan 1995-2011. It is noted that the spaces served from the unadopted lane are quite tight and in practice it may be possible to park fewer than five cars here, however given the location, it would be appropriate to accept slight reduced parking provision. At least one space on either of the main car parks should meet disability standards and two spaces should have electrical charging points. Cycle parking should be covered and secure. The creation of an access on to Midvale Road and the removal of a bollard and relocation of the street light will require a Section 278 agreement. A sustainable transport contribution would be appropriate to support sustainable transport provision in the town centre. The proposal increases the coverage of the site by permeable paving, which is welcomed. In order to ensure that the proposal complies with policies ER1, ER2 and W5 of the emerging Local Plan 2012-2030 to reduce water run-off this should be conditioned.

Police Architectural Liaison Officer: Advice and recommendations to design our crime, antisocial behaviour and conflict provided.

Summary Of Representations:

4 representations have been received. Issues raised:

- Impact on pedestrian safety as a result of increased usage of private lane off Midvale Road
- Concerns regarding the rebuilding of the damaged wall

These representations have been sent to Members for consideration.

Relevant Planning History:

P/2006/0319	Alterations and change of use to form 21 sheltered residential flats (as revised by plans received 13th June 2006 APPROVED 30.08.2006
P/1990/0082	Alterations and extension to form C2 residential institution nursing home for 30 residents APPROVED 30.04.1990
P/1989/1758	Alterations and extension to form C2 residential institution nursing home for 30 residents APPROVED 06.12.1989
P/1988/1273	Erection of 6 sheltered flats to be run in conjunction with approved residential home REFUSED 30.09.1988
P/1988/1098	Removal of existing building and erection of sheltered accommodation (in outline) REFUSED 30.09.1988
P/1988/1097	Demolition of existing buildings REFUSED 30.09.1988
P/1987/1788	Use as an elderly persons home APPROVED 18.12.1987
P/1987/1635	Use of ground floor flat as office accommodation APPROVED 30.10.1987
P/1981/0151	Alterations and extension to office accommodation APPROVED 18.03.1981

Key Issues/Material Considerations:

The relevant considerations are the principle of the partial demolition of the building and extension and conversion to residential accommodation, the impact of the proposals on residential amenity, highways, drainage, biodiversity, trees and the impact of the proposals on the character and appearance of the conservation area.

Principle of residential accommodation:

The application site is within the urban residential area of Paignton and noted within the New Torbay Local Plan 2012-2030 as a potential housing development site for consideration in the Neighbourhood Development Plan. Policy H1 of the New Torbay Local Plan states that proposals for new homes within Strategic Delivery Areas and elsewhere within the built environment will be supported subject to consistency with other policies within the plan. Policy H6 of the New Local Plan states that proposals involving the loss of existing care accommodation will be supported where they are not needed, or does not represent the most appropriate way of delivering care and where such a change of use is agreed, the creation of family homes or employment space will be encouraged. In this instance the site has been vacant some time and has since become derelict due to fire damage. The loss of the nursing home is not considered detrimental to the overall stock of similar accommodation within Torbay and its replacement with residential accommodation with a good standard of amenity is considered acceptable and in accordance with policy H6. In line with policy H1 and H6 the principle of residential accommodation on this site is considered acceptable.

Impact on the conservation area:

Paragraph 131 of the National Planning Policy Framework states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. At a local level, policy SS10 of the Torbay Local Plan 2012-2030 states that development will be required to sustain and enhance those monuments, buildings, areas, walls and other features which make an important contribution to Torbay's built, natural setting and heritage, for their own merits and their wider role in the character and setting of the Bay.

The Old Paignton Conservation Area Appraisal describes the building as a villa which has preserved much of its late Victorian/Edwardian character. The pleasing features of the site are noted as the red sandstone, glass porch-verandah, pantiles with full cresting and finials to all gables and tall brick chimneys whilst the rear extensions linking the main block to the original outbuildings are of a lesser quality. The building has, when in use as a residential home, been subject to unsympathetic alterations namely the rear extensions to the main building. The damage to the building as a result of the fire has resulted in an opportunity to retain the important aspects of the building which are structurally sound and remove those elements which are unsympathetic to the character of the historic building and wider site.

Whilst the site is not within the historic heart of the Conservation Area, it is a prominent one within the area due to its position, distinctive design and scale. This is evident through its designation as a key building within the Conservation Area Character Appraisal. The proposal to redevelop the building includes significant demolition, extension and alteration however it is considered a sympathetic solution which remains in keeping with its original form without appearing as a pastiche. The retention of those pleasing elements of the main building together with the form of the extensions and replacement windows which respect the historic character of the original building preserve the appearance and character of the building whilst having a positive contribution to the wider appearance of the site bringing it back into use and restoring it to its former pleasing state. The works to the main building are considered to preserve its character and appearance in accordance with policy SS10 of the New Torbay Local Plan.

The works to the existing outbuilding include an increase to the roof height by a maximum of 450mm, the inclusion of windows and conservation roof lights. The proposals are considered sympathetic to the overall form and character of the existing building whilst retaining its role as a subservient service building to the main house. The works are considered to preserve the character and appearance of the existing building and wider site in accordance with policy SS10 of the New Torbay Local Plan.

The new building to the south eastern corner of the site is prominently sited being visible in views along Midvale Road. The comments from Historic England are noted and whilst there may be other proposals that could represent an alternative solution the current scheme is considered an appropriate way forward which facilitates the redevelopment and restoration of a currently derelict site. The proposal includes an additional three residential units reflecting elements of the existing buildings on site in a contemporary manner that remains subservient to the main building in the same way as the original outbuilding. Whilst a contemporary reflection of the existing outbuilding, the materials and roof design adopted echo those present on the original outbuilding helping it to assimilate into the wider site. Whilst this part of the proposal is considered to be an appropriate solution, it is recognised that its prominent location in a previously undeveloped area, will result in an element of harm to the significance of the designated heritage asset (the Conservation Area). The harm caused is considered to be less than substantial however. In line with paragraph 134 of the National Planning Policy Framework where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum use.

With regard to whether there is any public benefit as a result of the proposal, it is accepted that the provision of three new dwellings would be likely to deliver some economic and social benefits however alone this would not be considered to

outweigh the harm identified. However in line with the Senior Design and Heritage Officer's comments, the scheme is considered suitable for approval as it will facilitate the wider regeneration of the site and the reuse and restoration of a key building within the Conservation Area allowing positive enhancement of site within the wider street scene. The regeneration of the site offers wider social, economic and environmental benefits through the provision of eighteen dwellings of a good standard of amenity and the wider enhancement of the site through the restoration of the site together with good quality landscaping. The viability of the development is dependent on the provision of an additional residential block, the wider redevelopment of the site would include the positive enhancement of the site and conservation gains and therefore it is considered that the works accord with paragraph 134 of the National Planning Policy Framework.

In line with comments from Historic England, this recommendation of approval is subject to several conditions relating to the submission of material samples.

Impact on highway safety and parking provision:

The proposal provides for 1:1 car parking with 13 spaces to the front of the building and 5 to the rear. The Council's Strategy and Project Officer and Highways Engineer have not raised any objections to the scheme and subject to 20% of spaces having electrical charging facilities and up to 10% of the spaces being suitable for people with disabilities the provision is compliant with policy guidance within Appendix G of the New Torbay Local Plan 2012-2030. Whilst it is noted that no provision has been provided for visitor parking, in light of the location of the site close to the town centre, public transport opportunities and public car parks this is not considered detrimental nor to warrant the refusal of the application.

Representations regarding to the impact of the development on highway and pedestrian safety as result of the intensified use of the access via the private lane on to Midvale Road are noted. Paragraph 32 of the National Planning Policy Framework states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. In this instance the lane is already used by other buildings located on the lane such as the doctors' surgery and as part of the previous use of the site this access could and was likely to have utilised albeit to a lesser extent. The distance from the access to Midvale Road is short and vehicles that use it are likely to be travelling at low speeds due to its narrow width and stone walls that bound the site. In light of this and on balance, it is considered that highway and pedestrian safety is unlikely to be compromised by addition of this intensified parking area nor is it considered to result in a severe impact that would warrant the refusal of the application.

Impact on residential amenity:

The proposals are separated from neighbouring sites to the south, north and east by the private lane, Totnes Road and Midvale Road respectively. The impact to those properties to the north and east is considered limited due to the scale of the roads separating them. The properties to the south and west are closer to the proposal however due to the design of those elements of the scheme alongside these boundaries with roof designs that slope up and away from the shared boundaries and the lesser heights of these service style buildings in comparison to the principle building the impact is lessened. Having considered the position and scale of the existing buildings on site, together with the orientation of the proposals in relation to those surrounding and the design of the proposals, on balance they are not considered to result in serious detriment to the amenities of neighbouring occupiers. As above due to the distance separating the proposals from residential dwellings to the north and east, the proposals are not considered to result in any serious detriment to residential amenity by reason of loss of privacy. Again those to the west and south are within closer proximity. The windows to the south of the new block would provide views largely on to the areas of the neighbouring building and site visible from public land. The building to the south is a community building rather than a residential block and whilst some overlooking is likely this is not considered to result in serious detriment to the workings of this building or its occupants. In addition it is noted that due to the position of the existing buildings on site a level of overlooking was already apparent and as such on balance it is considered that the proposal would not result in any significantly greater impact in terms of overlooking. In terms of overlooking to the west, the roof lights to the existing outbuilding due to their position on the boundary is likely to result in a detriment to the occupiers of the neighbouring property to the west and as such it is considered necessary to include a condition that these roof lights are obscure glazed. Windows facing west within the main building are considered to be a sufficient distance from the boundary to prevent direct overlooking into garden areas associated with the neighbouring dwelling to the west. In line with the above, the proposal is considered acceptable in terms of its impact on residential amenity and compliant with policy DE3 of the New Torbay Local Plan.

Standard of residential accommodation:

The supporting text to policy DE3 of the New Torbay Local Plan seeks to achieve a minimum size for dwellings and gardens and better designed homes. The unit sizes are broadly consistent with the suggested standards as is the amount of communal garden space. Units 13 and 14 fall slightly below these standards as they offer two bedroom accommodation rather than one bedroom. Whilst this is not ideal, both units will be served by natural light and offer additional storage space. A better situation could be achieved if these units were only to accommodate one bedroom however it is noted that this could be achieved by the future occupiers if required. On balance in light of positive benefits of the

regeneration proposals together with the quality of the internal and external space associated with each of the unit the proposals are considered acceptable in terms of the standard of residential accommodation. The units are all acceptable in terms of outlook, amenity and design and are considered compliant with the relevant paragraphs of the National Planning Policy Framework which refer to creating good quality living environments and policy DE3 of the New Local Plan.

Impact on trees:

The application site includes a number of trees which are protected due to their position within the Old Paignton Conservation Area. The scheme has been revised in line with the comments from the Council's Arboricultural Officer and is acceptable in terms of the landscaping proposals.

Impact on biodiversity:

The ecological survey states that the building has limited potential for roosting bats and nesting birds but there is suitable habitat within the grounds. The presence of slow worms and foxes were also noted. Suitable mitigation has been included within the recommendations of the report and in line with comments from the Green Infrastructure Co-ordinator a conditions is recommended to ensure such recommendations are carried out in full. Subject to these recommendations being secured the scheme is considered acceptable and compliant with policy NC1 of the New Torbay Local Plan.

Impact on drainage:

The application site is within the Critical Drainage Area as designated by the Environment Agency. The applicant has indicated that surface water from the development will be drained to via soakaways. The submitted infiltration testing is not sufficient further testing is required. This information is expected and the recommendation of approval is subject to the acceptability of these details.

S106/CIL -

The Adopted SPD 'Planning Contributions and Affordable Housing' would have required a contribution of £56,563.00 to meet the impact of the development on local infrastructure. The existing use of the site as a nursing home will offer some mitigation in terms of sustainable transport contributions however site acceptability matters in relation to the vehicle cross over and relocation of the bollards and street light will require a section 278 agreement.

The affordable housing contribution for this scheme would be 15% of the proposed dwellings in line with policy H2 of the New Torbay Local Plan for brownfield sites. This results in a requirement for 3 dwellings to be affordable.

A viability assessment is being carried out for the development and the outcome of this in terms of the level of financial contributions and affordable housing required from the development will be provided at the Development Management Committee meeting.

Conclusions

The change of use of this former Care Home to provide new dwellings is acceptable and compliant with both local and national policy. The proposal will result in the regeneration of the currently derelict site to the benefit of the key building and wider conservation area. The proposed landscaping scheme is considered acceptable and the proposed recommendations of the ecological survey can be secured to ensure there is no detrimental impact to biodiversity. The level of parking is considered acceptable in light of the location of the site and the impact of the development to highway and pedestrian safety is not considered severe and as such would not warrant the refusal of the application.

Condition(s)/Reason(s)

01. Submission of Materials
02. Submission of schedule of works/phasing agreement for implementation of works
03. Implementation of landscaping scheme
04. Tree protection measures
05. Provision of bins, electrical charging points and bike storage
06. Provision and retention of parking
07. Implementation of ecological recommendations
08. Removal of permitted development rights
09. Implementation of surface water drainage details
10. Provision of permeable paving
11. Obscure glazing of west facing roof lights to existing outbuilding
12. No use of flat roof to existing outbuilding as an outdoor amenity area

Informative(s)

01. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

Relevant Policies

DE1 - Design

DE3 - Development Amenity

SS81 - Conservation and historic environment

H2LFS - Affordable Housing_

ER1 - Flood Risk

NC1LFS - Biodiversity and Geodiversity

TA1 - Transport and accessibility

TA3 - Parking requirements

H1LFS - Applications for new homes

SS8 - Natural Environment

H6LFS - Housing for people in need of care