

Application Number

P/2011/0070/MPA

Site Address9 Central Avenue
Paignton
Devon
TQ3 2SS**Case Officer**

Mr John Burton

Ward

Clifton With Maidenway

Description

Demolition of building and formation of 9 new flats with associated car parking (as revised by plans received 3 May 2011)

Executive Summary / Key Outcomes

English Heritage have confirmed that the existing building on site is not worthy of listing, and the location is not within a designated Conservation Area. The proposal meets all of the tests of policy, both national and local. The development makes good use of a brownfield site which currently contains an old building in need of some repair. The proposed design is a modern take on an historic building and is appropriate given the mixture of styles, ages and designs in the immediate vicinity. On balance, the impact is considered acceptable without undue harm to any neighbouring property. Access, parking and manoeuvrability are all acceptable, and issues about the use of the road are private matters as Central Avenue is not adopted at this point. There is a T.P.O. covering the site, but an acceptable solution to this issue has been found.

Recommendation

Members have already visited the site at their meeting on 31st May and it is not felt that a further visit is required. The proposal is considered acceptable subject to conditions and the signing of a Planning Obligation in respect of financial contributions. The s106 legal agreement will need to be in terms acceptable to the Executive Head of Spatial Planning and entirely completed within 6 months from the date of this meeting.

Site Details

9 Central Avenue is a Victorian Villa and detached double garage on the northern side of Central Avenue in an area of mixed ages and designs of dwellings, accessed off a private unadopted road (Central Avenue in part).

Detailed Proposals

The proposed flats are designed to blend in with the original Victorian nature of the current building on the site. The current building has two storeys and a basement each with very high floor to ceiling heights. As such the proposed scheme is able to achieve four levels of development without unduly increasing

the overall height of the structure. The scheme was originally submitted as 10 flats, but reduced to 9 reflecting advice from the Torbay Design Review Panel.

The plans now show one flat at ground floor level, two in the roof space and three units in each of the second and third levels. Car parking is provided on a 1:1 basis, mainly under cover at ground floor level, but with one space at the front of the property. Entrance into the flats is proposed via a central stairwell with front door onto the western side of the property in a similar position to the existing.

This application was originally presented to Committee at their meeting on 31st May 2011 when it was also site visited by Members. At the formal Committee meeting Members agreed that the application should be deferred to allow officers the opportunity to seek the views of English Heritage. A request was in fact made with English Heritage for nos. 7 and 9 to be listed as 7 appears to be an even finer example of an italianate-style villa. A response has been received and The Secretary of State for Culture, Olympics, Media and Sport has confirmed through English Heritage in their role as the Government's statutory adviser on the historic environment with responsibility for listing, that neither 7 nor 9 are of listable quality. The application should therefore now be considered on its own merits.

Summary of consultation responses

Arboricultural officer: A mature beech tree at the front of the property covered by a T.P.O. has recently had to be removed as its central core was rotten. A replacement specimen is required.

Highways officer: The parking spaces, number and layout, are acceptable to highways.

Design Review Panel: Generally welcomed the scheme, suggested some alterations which have now been incorporated into revised drawings which were advertised on 6th May. Notes of the DRP have been reproduced and placed in the Members Room.

English Heritage: Have resolved, in their role as the Government's statutory adviser on the historic environment with responsibility for listing, that no 9 Central Avenue is not worthy of listing. Their full response to the request has been reproduced and placed in the Members Room.

Summary of representations

Reproduced and placed in the Members Room. The main concerns raised are as follows (in no particular order):

1. Extra traffic using private road
2. Drainage/sewage impact

3. Design not in keeping with other houses in the road
4. Potential for noise generation
5. Overdevelopment
6. Loss of light
7. More windows increasing overlooking
8. Soakaways are not an effective solution to surface water drainage in this area
9. Insufficient parking provision / small size of parking bays
10. Height of replacement building is out of character with others in road
11. Vehicular access arrangements will be detrimental to existing residential properties
12. Objections to the loss of the existing boundary wall
13. Access for emergency vehicles would be compromised
14. Would set a precedent for other re-building proposals
15. Front building line moving closer to road boundary
16. Lack of a footway for pedestrians
17. Proposed location of bin store affecting access to neighbouring property
18. Lack of street lighting
19. Potential for loss of existing boundary trees
20. Difficulties during construction phase

It should be noted that most of the objection letters above were submitted before revised proposals were submitted. Some of these comments have therefore already been addressed. The revised plans, which show a reduction in the number of units and less bulk of building, have been re-advertised.

Relevant Planning History

P/2007/1658 Alterations To Form 2 Flats To Lower Ground Floor And Formation Of Parking Area, approved 06.12.2007

P/2002/1690 Formation Of Flat At Basement Level, approved 17.12.2002

Key Issues/Material Considerations

The material considerations are considered under the following key headings:

Principle

There is a fairly eclectic mix of types, sizes and styles of residential dwellings in the area. The property is not a Listed Building and English Heritage have now confirmed that it is not suitable for listing. It is not situated within a Conservation Area. It would therefore be difficult to justify retention of the building, despite its character. Therefore, the crucial issue becomes the quality of the design of the replacement structure (design).

The applicant has addressed concerns previously raised by Officers and the Design Review Panel, and revised the plans accordingly. The new design successfully overcomes these issues, notably by reducing the number of units, reducing encroachment into the rear garden and improving the environmental performance of the building. As such, there is no reason for raising further

concerns on design issues.

In general terms the new building is considered to be a contemporary reflection of the original Victorian design, successfully blending the remaining Victorian dwellings in the vicinity with the more modern approach taken with the surrounding infill development. The building is shown with a slightly higher roof ridge, but this is only approximately 0.3 metres higher and so would not have any noticeable undue impact on visual amenities or character of the area.

Density

There are currently 5 units on the site and the proposal is for 4 more, giving 9 in total. This is a reduction of 1 from that originally submitted. With a total site area of approximately 0.1 hectare, 9 units is at the upper end of acceptability. However, Government policy supports efficient use of 'brownfield' sites, particularly where situated within the framework of the existing built environment. When viewed from Central Avenue, the bulk of building is not materially different from that which exists on the site. Furthermore the block will retain a relatively generous plot, as such the proposal does not constitute overdevelopment. Therefore, so long as the other issues of acknowledged importance covered below are all acceptable, then it is not considered that the proposal could justifiably be considered to overdevelop the site.

Inter-visibility, overlooking and residential impact

The proposed block would have 4 principle elevations. At the front, facing Central Avenue (southern elevation) the current building has 4 sets of windows. The proposed elevation would have 6. Whilst this is more, the extra windows are at the top level, and so would look over the bungalow opposite. However, the distance to the properties opposite is a normal 'across-the-road' relationship and would not cause any undue intrusion through loss of privacy.

At the rear, (garden or northern elevation), the footprint of the building is shown as extending between 3.7 and 4.2 metres further out into the garden area across its full width at Lower Ground Floor Level. The two storeys above only extend out this distance in the middle part of the building. At second floor (top) level, the accommodation is set within the slope of the roof and so is further back. The buildings on either side (numbers 5 and 11 Central Avenue) would be a distance of 10.5 and 11 metres away at their nearest points. The equivalent current distance to both number 5 and number 11 is 15 metres (at its closest point). Although the distance is therefore less than currently exists, the two neighbouring properties are at an angle, thus reducing the potential for overlooking.

Currently there are trees and heavy vegetation on the eastern boundary obscuring any inter-visibility. Planning conditions are suggested to ensure these trees and vegetation remain or are replaced in order to maintain privacy. The two semi detached properties at the rear are separated from view by a garage block and again the facing elevation is at an acute angle.

On the eastern side elevation, the boundary vegetation previously referred to would provide sufficient screening to prevent undue overlooking. The new windows proposed are mainly to kitchens and bedrooms.

Intervisibility between the proposed new building and the adjacent property at no. 7 has been carefully considered, but the proposed west elevation is very similar to the existing elevation and as such there will be no material loss of privacy.

On balance the proposal successfully addresses privacy issues by ensuring main rooms and main windows are at the front and rear of the proposed building, the use of rooflights at the upper levels, some obscure glazing and the maintenance of existing boundary screening. Any approval will need to be conditional upon the submission of a landscaping scheme that should primarily bolster existing boundary treatment to maintain and enhance existing levels of privacy. This can be achieved. On balance therefore it is felt that with the imposition of suitable conditions relating to obscure glazing and landscaping, this element of the proposal is acceptable.

The proposal is considered to be acceptable within the street scene because the front elevation would be of similar size and dimension to the existing. The bin store has been shown to minimise impact upon neighbours (relocated following concerns) and is finished with locked gates to minimise impact. The Council's Waste Collection Services do empty the bins down this private lane.

Highways, access and parking

The Highway Authority is not raising an objection. Primarily access is off a private road and this is not an issue for the Highway Authority. Central Avenue is an adopted Council maintained road as far as the nos. 5 and 8 after which it is private. Rights of access and details of maintenance would therefore be a private matter for those sharing its use to resolve. The owner of no. 9 clearly does have rights of use and access at the moment.

In respect of the parking proposed, this is provided at a ratio of 1 space per unit. This is the same as the current ratio and so there would be no extra detriment in this regard. Policy T25 of the Saved Adopted Torbay Local Plan does state that for residential flats the ratio should be 1.5 spaces per flat. However, it is quite clear that this is a maximum and it does allow for a lower provision where proposals are in close proximity to town centres, necessary facilities for residential living and bus routes. These factors apply here. Adequate manoeuvring space is shown to standard for the internal and external parking spaces. The proposal is therefore considered to meet the requirements of Adopted policy

Trees and landscaping

The large old beech tree in the front curtilage which is the subject of a T.P.O. has

had to be removed because its internal core was rotten. Under the terms of the T.P.O. it needs to be replaced. The Council's arboricultural officer is currently considering an appropriate place for its replacement, and this will be reported to Committee.

Planning obligation under s106 of the Town and Country Planning Act

This is required to off-set the impact of the development. The contributions due for the current proposal work out as follows:

Category 2 (55 – 74 Sq. M.)	
Municipal waste and recycling	- £ 50
Sustainable transportation	- £1720
Stronger communities	- £ 130
Education (primary only)	- £ 410
Lifelong learning	- £ 220
Green space and recreation	- £1120
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TOTAL	£ 3650
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This gives a total contribution due of (9 units x £3650 =) £32,850.

Sustainability -

The proposal makes efficient use of a brownfield site within the existing built urban environment. The proposal maximises use of the site and helps reduce pressure on openfield or non-residential land such as holiday parks.

Environmental Enhancements

This is a good opportunity to improve the appearance of the site. The existing building is in a poor visual state, primarily because of some unsympathetic alterations. The architect has responded positively to suggested improvements to the original proposals and the revised scheme is acceptable in design terms. The trees on the site have been protected by a TPO and the Council's Arboricultural Officer is overseeing the management of this. A landscaping scheme to improve the setting of the new building should be a requirement (condition) of any approval, and has been verified as achievable.

Accessibility

This is a highly accessible site. It is close to good bus routes and within walking distance of Paignton Town Centre.

Vibrant Town Centres

Although not within the town centre of Paignton, being in close proximity and easy walking distance should mean that there is good opportunity for use of the existing centre facilities by the new occupiers (5 existing units, 9 proposed,

giving an increase of 4 residential units).

Relevant Policies

- H2 New housing on unidentified sites
- H9 layout, design and community aspects
- H10 Housing densities
- H11 Open space
- CF6 Community Infrastructure contributions
- CF7 Educational contributions
- L9 Planting and retention of trees
- EP11 Flood control
- BES Built Environment Strategy
- BE1 Design of new development
- BE2 Landscaping and design
- T25 Car parking in new development

Disability Issues - The site is on the level and there is not considered to be an overriding objection under Part M of the Building Regulations. The upper floors as flats will not be covered by the Bldg. Regs.

Conclusions

The revised scheme successfully overcomes issues raised by local residents and officers during the application process. Therefore for the reasons set out in this report the proposal is considered acceptable subject to conditions and the agreement and signing of a Planning Obligation in respect of financial contributions.

Members have already visited the site at their meeting on 31st May and a further visit is not required.

Condition(s)/Reason(s)

01. The development hereby approved shall not be commenced until details of all proposed boundary walls and fences have been submitted to and approved by the Local Planning Authority. The existing boundary wall fronting Central Avenue shall be kept as part of the boundary treatment and repaired and re-built as appropriate with stone reclaimed from the existing wall as far as possible, in accordance with a scheme to include the method of pointing, that shall be agreed in writing with the Local Planning Authority first.

The residential units shall not be occupied until the boundary details have been provided in accordance with the approved details.

Reason To enable the Local Planning Authority to assess this element of the proposal, in the interests of the visual amenities of the area, to ensure that the

scheme is completed such that there will not be any adverse affect on any neighbouring property, and to preserve the historic nature of the existing boundary treatment, all in accordance with policies BES and BE1 of the Saved Adopted Torbay Local plan.

02. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, details of any to be retained, together with measures for their protection in the course of development and full details of the replacement for the beech tree the subject of a TPO for which removal was recently authorised.

Reason In the interest of the amenities of the area and to ensure compliance with policies H9, L9, BES, BE1 and BE2 of the Saved Adopted Torbay Local Plan.

03. 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 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 a 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 H9, L9, BES, BE1 and BE2 of the Saved Adopted Torbay Local Plan.

04. Any work carried out to trees to be retained on site shall be with the written approval of the Local Planning Authority. Such work will be to British BS 3998: 1989 as a minimum standard.

(i) The development hereby approved shall not commence, and no materials shall be brought onto site, until all the trees to be retained on site are protected by fencing as per BS 5837: 1991. This will either be chestnut pale fencing or a scaffold structure 2.4 metres high supported durable man-made sheeting (either plywood or OSB of an exterior grade). Chestnut pale fencing will be to BS 1722: Part 4: 1989, as a minimum standard. This will consist of 1.200 mm pales, wired together as per standard, supported on three line wires, secured to fencing posts to a minimum standard of: 1800 mm long, 7 mm (3") top, driven 500 mm into the ground. In addition, straining posts, 1800 mm long by 100 mm (4") top, strutted where a change of direction occurs, will be installed at all ends and corners, at changes of direction, or acute changes of level, and at intervals no exceeding 50 m in straight lengths of fence. The fence will be installed upright, with all posts firmly bedded in the ground and line wires tensioned, and shall be maintained in such a condition throughout the duration of the development.

(ii) The fence shall be installed no closer to the trunk of the retained tree than the edge of the drip line of the canopy or a distance equivalent to half the height of the tree, whichever is the greater.

(iii) The area beneath the tree and between the trunk of the tree and the fence will be kept clear and undisturbed at all times. No materials shall be stored within the fenced area; the levels of the land within the fenced area shall not be altered, and no seepage of oils, fuels or chemicals (including cement and cement washings) which may be harmful to trees shall be allowed onto the fenced area.

(iv) No trenches for service runs, or any other excavations shall take place within the fenced area.

(v) No soil or other surface material shall be removed from the fenced area except by written permission of the Local Authority. Where such a permission is granted, materials shall be removed manually, without powered equipment, taking adequate precautions to prevent damage to tree roots.

Reason To ensure that all existing trees on the site are adequately protected while development is in progress, and to accord with policies H10, L10, BE1 and BE3 of the Saved Adopted Torbay Local Plan.

05. The development hereby approved shall not be commenced until details of the colour type and texture of all external materials, including hard-surfaced areas, to be used in the construction of the proposed development have been submitted to and approved by the Local Planning Authority.

Reason To allow the Local Planning Authority to assess this element of the proposal and ensure that the development does not prejudice the character and setting of the existing building, and the area in general in accordance with policies H9, H10, BES and BE1 of the Saved Adopted Torbay Local Plan.

06. The development hereby approved shall not commence until sections and elevations to a scale of not less than 1:20, indicating the following details, have been submitted to and approved by the Local Planning Authority:

(i) eaves overhang;

(ii) rain water goods;

(iii) reveals to window/door openings;

(iv) slating/tiling;

(v) glazing bars.

The building shall not be occupied until it has been completed in accordance with these details.

Reason To ensure that the architectural detailing of the development is completed to a satisfactory standard in accordance with policies BES and BE1 of the Saved Adopted Torbay Local Plan.

07. All bathroom windows and any other windows indicated on the plans hereby approved as being obscure glazed shall be finished with a level of

obscurity equivalent to Pilkington level 5, and shall be retained as such at all times.

Reason In the interests of privacy and to ensure accordance with policies BES and BE1 of the Saved Adopted Torbay Local Plan.

08. The development hereby approved shall not be used or occupied until all of the car parking areas and access thereto shown on the approved plans have been provided and made available for use, or to a stage previously agreed in writing with the Local Planning Authority. The car parking areas shall be kept permanently available for parking purposes to serve the development at all times thereafter.

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

09. Prior to the commencement of any development, details of a sustainable urban drainage system shall be submitted to and approved by the Local Planning Authority, such system as may be approved shall be installed prior to the occupation of the development. The system shall be maintained effective at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to reduce surface water run off in a catchment area where flooding occurs and to accord with the requirement of PPS25 "Development and Flood Risk" in respect of sustainable drainage, and policy EP11 of the Saved Adopted Torbay Local Plan (1995 – 2011).

Informative

A Sustainable Drainage Solution such as a soakaway should be designed and constructed in accordance with Building Research Establishment Digest 365. A Sustainable Urban Drainage System should be designed and constructed in accordance with Construction Industry Research and Information Association Document 522 for surface water disposal (Clean surface water and roof water should be kept separate from foul drainage systems).

10. Before the development hereby approved is commenced full details of the design, appearance, materials and screening of the bin store shall have been submitted to and approved by the Local Planning Authority. It is expected that these details will show the bin store in the position indicated on the plan received 8th March 2011, lockable gates (details of which also need to be approved) on the Central Avenue elevation, and the means of access from within the site.

Reason: To allow the Local Planning Authority to assess this element of the

proposal and ensure the design and impact upon neighbours and the area in general is acceptable in accordance with policies W7, BES and BE1 of the Saved Adopted Torbay Local Plan.

Relevant Policies

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