

Application Number

P/2017/0445

Site Address17 Cleveland Road
Paignton
TQ4 6EL**Case Officer**

Carly Perkins

Ward

Roundham With Hyde

Description

Demolition & redevelopment to form 22 retirement apartments for the elderly, including communal facilities, access, car parking, and landscaping.

Executive Summary

The proposal is for the demolition of the existing building and the erection of 22 residential supported living apartments and associated communal living facilities within a 5 storey building (including a basement level parking area). Of the 22 apartments, 13 are two bedroom apartments and 9 are one bedroom apartments. The associated living facilities include a guest room, communal lounge, office and store room on the ground floor. A new vehicular access to the site is proposed in a central location off Cleveland Road, this will involve a breach in the existing boundary wall. The existing vehicular accesses to the site to the north east and north west corners of the site are to be reduced to pedestrian accesses and the wall rebuilt. An additional breach in the wall is also proposed to serve as a pedestrian access. 27 parking spaces are proposed to serve the development, which will be accommodated at lower ground floor level. Cycle, mobility scooter and bin storage is provided within the site.

The proposed building is positioned approximately 6.5-8.5m from Cleveland Road in contrast to the existing building which is located approximately 19.3-29.3m from Cleveland Road. The existing garage to the western side of the site is located approximately 5.5m from Cleveland Road and the proposed bin storage area is located in a similar position.

The proposed building is of a contemporary design and detailing. The building is five storeys in total, which includes a basement which due to the topography of the site is only partially visible towards the north western part of the site. The fifth storey (third floor) of the building is set back and is clad in aluminium cladding to achieve a more recessive appearance. The central element of the building is also clad with aluminium cladding and set back at first, second and third floor level to achieve a more recessive appearance and to break up the mass of the overall building which expands much of the width of the plot.

The existing stone boundary wall is to be retained with amendments to allow for visibility and amendments to vehicular and pedestrian access.

The application site is approximately 0.24ha in size and is located to the south of Cleveland Road. It is currently occupied by a two storey building with basement accommodation and rooms within the roof. The building has been subdivided into two units of accommodation. The site is located within the Roundham and Paignton Conservation Area and to the south of the seafront, harbourside and Green Coastal Park, and outside the Paignton Core Tourism Investment Area. A stone boundary wall defines the northern boundary of the site and this is noted as a prominent wall within the Conservation Character Area Appraisal. The site is located within Flood Zone 1, Critical Drainage Area and Policy ER1 flood risk area designation covers the north west front corner of the site. The site is identified within the Torbay Local Plan as a potential development site for consideration in the Neighbourhood Development Plan, primarily for housing.

The site is identified within the Torbay Local Plan as a potential development site for consideration in the Neighbourhood Development Plan, primarily for housing. Policies SS12, SDP1, H1 and H6 of the Torbay Local Plan would support the principle of redeveloping this site for sheltered housing. However the site is within the Roundham and Paignton Conservation Area, and the design and scale of the scheme is not considered to maintain or enhance the character of the Conservation Area which is characterised by generous landscaped plots. Revised plans are required which illustrate a development which can achieve a good quality landscape setting to the proposals and a reduced scale of development together with an adequate level of visibility at the access.

A number of outstanding matters remain, including those in relation to viability, affordable housing provision, CIL and Section 106 contributions. Additional information has also been requested by way of a sunlight and daylight assessment, privacy screening of balconies and a health impact screening. Subject to the successful resolution of these matters and revisions to the design as noted above, it is considered that an acceptable scheme can be achieved.

The recommendation is that these outstanding matters be delegated to officers to resolve. Subject to the successful resolution of these matters, the proposal is recommended for conditional approval.

The proposals have been considered in relation to Policies SDP1, SS7, SS8, SS10, SS11, SS12, DE1, DE3, C4, NC1, ER1, ER2, H1, H2, H6, SC1, TA1, TA2, TA3 and associated Appendix F of the Torbay Local Plan 2012-2030.

Recommendation

Determination to be delegated to Executive Head of Business Services. Conditional approval, subject to the submission of revised plans to demonstrate an acceptable scheme in terms of design, heritage, landscaping and access, additional information in relation to sun light and daylight, health impact and the resolution of matters relating to affordable housing, CIL and Section 106 obligations. Final drafting of conditions to be delegated to the Executive Head of

Business Services.

Suggested conditions:

1. Occupancy restriction
2. Landscaping
3. Parking provision
4. Cycle storage provision
5. Electrical charging
6. Waste storage provision and waste management plan
7. Materials
8. Large scale details
9. Travel plan
10. Lighting
11. Drainage
12. Construction method statement
13. Nest Boxes
14. No vegetation clearance in bird nesting season
15. Rubble clearance during reptile activity season
16. Hard landscaping and boundary treatments

Reason for Referral to Development Management Committee

The application is a major application and is therefore required by the constitution to be determined by DM committee.

Statutory Determination Period

13 weeks, the decision date was the 25th August 2017, this has however been extended to the 22nd September in agreement with the applicant.

Site Details

The application site is approximately 0.24ha in size and is located to the south of Cleveland Road. The existing application site is occupied by a two storey building with basement accommodation and rooms within the roof. The building has been subdivided into two units of accommodation. The site is located within the Roundham and Paignton Conservation Area and to the south of the Seafront, harbourside and Green Coastal Park, outside of the Paignton Core Tourism Investment Area. To the south east of the application site are two key buildings, numbers 15a, b and c Cleveland Road. These buildings are identified as buildings of architectural importance or which make a significant contribution to the townscape. To the north is a terrace of buildings, two of which are also noted as key buildings, numbers 34 and 36 Sands Road. To the west of the site is a four storey apartment block, Homebourne House. Due to the topography of the site which slopes up from Cleveland Road towards the south, properties to the south west and south east are located at a higher level than the application site. A stone boundary wall defines the northern boundary of the site and this is noted as a prominent wall within the Conservation Character Area Appraisal. This wall continues to the eastern and western boundaries of the site. Access to the site is

positioned in the north east corner of the site.

The site is located within Flood Zone 1, Critical Drainage Area and Policy ER1 flood risk area designation covers the north west front corner of the site. The site is identified within the Torbay Local Plan as a potential development site for consideration in the Neighbourhood Development Plan, primarily for housing.

The site is covered by two tree preservation orders, 1974.14.A2 and A1. Under applications reference AT/2002/0490, 13 Monterey Cypress trees were felled and required replacement with 13 Pinus nigra, similarly under application reference AT/2011/0032 1 Magnolia grandiflora and 1 Quercus ilex were felled and required replacement with 1 Magnolia grandiflora and 1 Pinus sylvestris. The replacement trees have not been planted on site. 20 trees currently exist on the site.

Detailed Proposals

The proposal is for the demolition of the existing building and the erection of 22 residential supported living apartments and associated communal living facilities within a 5 storey building (including a basement level parking area). Of the 22 apartments, 13 are two bedroom apartments and 9 are one bedroom apartments. The associated living facilities include a guest room, communal lounge, office and store room on the ground floor. Vehicular access to the site is positioned fairly centrally and is from Cleveland Road. The existing vehicular access is proposed to be used for pedestrian accesses only. 27 parking spaces are proposed to serve the development, which would be accommodated at lower ground floor in the building. Cycle, mobility scooter and bin storage is provided within the site.

The materials for the proposed building are render painted white, tile cladding, aluminium frames, fascias and cladding and timber louvres. The tree report submitted in support of the application indicates that the proposals will result in the loss of 20 of trees. Additional trees are proposed as part on an on-site landscaping scheme.

No affordable housing provision is included within the proposal. A viability assessment has been submitted with the application.

Summary Of Consultation Responses

Historic England: Whilst not against the principle of development within this plot, it is considered that the proposal is at odds with the constraints of the site and insufficient to mitigate the harm identified. As the application affects the conservation area, the statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) must be taken into account by the LPA when making its decision. It is recommended that the LPA seeks to improve these proposals so that they avoid or minimise harm to the significance and character of the conservation area (NPPF, para 9). Historic England has concerns about the proposals on heritage grounds due to the scale of the replacement building in

relation to the constraints of the plot available.

Senior Historic Environment Officer: The plans show the relationship of the current building on site and the footprint of the proposal. It is clear that in relationship to plot size Homebourne House adjacent provides a model. Little informal green space remains, in contrast to Homebourne House adjacent, despite its meritless architecture, it preserves much informal greenspace. The building is a tight fit, no amount of planting will be able to mitigate the loss of the informal greenspace especially given the bulk of the buildings. The submitted sections indicate that the east and west sides of the building are in proportion with the height of its neighbours. The principal elevation, however reveals the sheer bulk of the building and its unrelieved horizontality with no concession for the topography as the ground falls from west to east. The recession of the balconies across the central core help to relieve the horizontality. It is suggested that this could be resolved by reworking the blocks. The building remains too wide for the plot. The views of Historic England are agreed. The plans demonstrate an overdevelopment of the plot.

Urban Design Consultant: The project is generally supported in design terms but full support is withheld until more objective evidence is submitted in terms of impacts upon the property to the [west] can be provided.

Arboricultural Officer: The scheme is unsuitable for approval on both arboricultural and landscape merit (tree planting). Given the prominence of the site within the conservation area, the proposed massing of the building as heightened by the topography, it is essential that landscape matters are wholly addressed prior to any consent.

Senior Strategy and Project Officer: The visibility splays indicated are not acceptable. A minimum of 25m and 33m from an 'x' distance of 2.4m should be provided. A solution would be to build out the pavement kerb line. This may be accompanied by some Road Traffic Orders along the frontage. The proposal provides 27 parking spaces, 5 cycle spaces which exceeds the standards of Appendix F of the Local Plan. 10 mobility scooter spaces have been provided but no space for a mini bus appears to be provided in line with the details within the submitted application form. Disabled spaces would be required and electrical charging points.

Waste Client Manager: Space is provided for 8 x 1100 litre bins at the development which is considered adequate. Some additional space should be provide for food waste containers. It has not been possible to ascertain whether the walkway between the bin store and the collection point meet the standards specified and whether the distance that the bins would need to be moved was 25m or less.

Drainage Engineer: It is agreed that due to ground conditions and the gradient of the site that the use of infiltration drainage at this development is not feasible and

therefore the drainage strategy has been based on a controlled discharge rate to the combined sewer system. It must be demonstrated that the surface water drainage design is designed so that there is no risk of flooding to the property or any surrounding land or properties. Therefore the applicant must supply hydraulic calculations for the entire surface water sewer system to demonstrate that there is no risk of flooding for the critical 1 in 100 year storm event plus 30% for climate change. This information is required prior to determination.

Affordable Housing Delivery Officer: Affordable housing policy requires 20% affordable housing to be provided on brownfield sites which should be proportionate to the mix of the development as a whole. On a scheme of 22 units, 4 affordable units would be required.

A number of issues were raised as to why affordable housing could not be provided all of which could be overcome and there are a number of examples whereby affordable housing has been provided on retirement schemes. Any affordable housing would be restricted to the wider offer and the concern with an age restriction and this alone would not be sufficient to remove the need of on-site provision. If justification can be provided for an off-site contribution a figure which would allow for the provision of affordable housing off-site would be required. Due to the above, Housing Services are unable to support this scheme.

Environmental Health: No comments to make on the application.

Police Designing Out Crime Officer: Advice relating to access and movement, structure, surveillance, ownership, physical protection, activity and management and maintenance is provided. Should planning permission be granted, conditions relating to the submission of a security plan and the construction to achieve full secured by design compliance.

Independent Viability Assessor: Comments awaited.

Ecological Consultants: Comments awaited.

Public Health Officer: Comments awaited.

Summary Of Representations

15 representations have been received (14 objections, 1 support). Issues raised:

- o Impact on light
- o Impact on privacy
- o Impact of construction
- o Impact on character and appearance of the area
- o Impact on trees
- o Impact on conservation area
- o Impact on house values
- o Concerns regarding overdevelopment

- o Impact on view
- o Impact on biodiversity
- o Setting of precedent
- o Impact on light pollution
- o Concerns the proposal is too large
- o Impact on drainage and sewerage
- o Impact of construction and potential for subsidence
- o Impact on traffic as a result of construction and operation
- o Impact on parking as a result of the access and use of on street parking by construction workers
- o Lack of proposed on-site landscape to mitigate loss of trees
- o Impact on revenue for existing hotels as a result of construction
- o Not in keeping with area
- o Development will not meet affordable housing need
- o Impact on tourism
- o Support for the application from the Torbay Civic Society

Relevant Planning History

P/2015/0283 Formation of extension APPROVED 29.05.2015

P/2005/2020 White upvc windows and doors APPROVED 09.01.2006

P/2002/0710 Alterations and erection of new sun deck area and installation of dormer roof extension APPROVED 02.07.2002

P/1989/0740 New windows APPROVED 16.06.1989

P/1988/0055 Construction of new pitched roof APPROVED 30.03.1988

P/1986/1567 Demolition of existing building REFUSED 08.08.1986

P/1986/1546 Erection of home for the elderly REFUSED 08.08.1986

P/1985/2924 Extension use as elderly persons home REFUSED 05.12.1985

P/1983/3034 Garage and extension to dwelling APPROVED 15.02.1984

Key Issues/Material Considerations

The key issues to consider are the principle of the proposed development, the impact on the character and appearance of the area, the impact on neighbouring amenity, access and parking, trees and landscaping, biodiversity and drainage.

Principle of the Proposed Development:

The site is identified within the Torbay Local Plan as a potential development site for consideration in the Neighbourhood Development Plan, primarily for housing. Policy SS12 of the Torbay Local Plan states that housing provision will focus upon

a sustainable pattern of distribution throughout the Bay with an emphasis upon the regeneration of brownfield sites and town centre sites, and development of urban sites. Similarly Policy H1 states that proposals for new homes within Strategic Delivery Areas and elsewhere within the built-up area will be supported subject to consistency with other policies in the plan. One of the specific criteria of this policy notes the objective to maximise the re-use of urban brownfield land and promote urban regeneration, whilst creating prosperous and liveable urban areas. Policy SDP1 states that Paignton will provide around 4,290 new homes over the plan period.

Policy H6 of the Torbay Local Plan states that the Council will support measures to help people live independently in their own homes and to live active lives within the community, subject to other Policies in the Local Plan. This will be achieved through a number of criteria, one of which being that new sheltered accommodation will be supported where it is in easy reach of community facilities, shops and public transport. The site is located approximately 450m from Paignton Town Centre and 300m from Paignton Harbour which include a range of community facilities and shops. There is an existing bus stop on Sands Road, approximately 200m from the site which provides services towards Paignton Zoo and St Marychurch, Torquay, via Paignton Bus and Train Station offering services towards Exeter, Newton Abbot and further afield via train and bus and Torquay Harbour. The location is considered to be sustainable and within easy reach of community facilities, shops and public transport in accordance with Policy H6 of Torbay Local Plan 2012-2030.

The application site is occupied by existing buildings but includes garden space which would be considered greenfield. Irrespective of this, the site is an urban site within the established built up area of Paignton and is in fairly close proximity to Paignton Town Centre and public transport opportunities such that the principle of sheltered residential development in this location is supported by Policies SS12, H1, H6 and SDP1 of the Torbay Local Plan 2012-2030.

Character and Appearance of the Proposed Development and Impact on the Paignton Harbour and Roundham Conservation Area:

Paragraph 17 of the National Planning Policy Framework states that one of the core land-use planning principles that should underpin decision taking is to always seek to secure high quality design. In addition paragraph 64 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Consistent with these paragraphs, Policy SS11 of the Torbay Local Plan states that development must help to create cohesive communities within a high quality built and natural environment where people want to live and work. Policy DE1 states that proposals will be assessed against their ability to meet design considerations such as whether they adopt high quality architectural detail with a distinctive and sensitive palette of materials and whether they positively enhance the built environment.

In relation to the impact on heritage assets specifically, Paragraph 131 of the National Planning Policy Framework states that 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. Policy SS10 of the Torbay Local Plan 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 and natural setting and heritage. Proposals that affect heritage assets will be assessed on a number of criteria. These include the need to encourage appropriate adaptations and new uses, the need to conserve and enhance the distinctive character and appearance of conservation areas while allowing sympathetic development, the impact on vistas and views of historic features, whether the development is necessary in order to delivery demonstrable public benefits taking into account the significance of the heritage asset and whether new development contributes to the local character and distinctiveness of the area through high quality design, use of appropriate materials or removal of deleterious features.

Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the LPA when making a decision on the application to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

The site is within the Paignton Harbour and Roundham Conservation Area and is located adjacent and opposite to a number of key buildings of architectural importance or which make a significant contribution to the townscape with the Paignton Harbour and Roundham Conservation Area Appraisal. This site is within the Victorian suburb of the Conservation Area which is defined by its Victorian layout with plots of increasing size for terraces, semi-detached and detached villas. This particular site within the 'Belle Vue, Cleveland and Keysfield Road triangle', and in this area the appraisal notes that very few houses here have remained unaltered, as the original larger plots have allowed large extensions, infill buildings or in some cases complete demolition and redevelopment. It also states that the area as a whole is enhanced by the mature trees and hedges present in streets and gardens which conceal some of the less successful replacement buildings. This part of the Conservation Area, the island block, though degraded to a degree is still characterised by large plots, with garden space dominant, mature tree cover and fine boundary walls, even with the additional building of the last 30 years, the green space remains an ameliorating characteristic.

The proposed building is of a contemporary design and detailing and positioned 6.5-8.5m from Cleveland Road (at its closest point this is 12.8m closer to Cleveland Road than the existing building on site). The building is five storeys in total, which includes a basement which, due to the topography of the site, is only partially visible towards the north western part of the site. The fifth storey (third floor) of the

building is set back and is clad in aluminium cladding to achieve a more recessive appearance. The central element of the building is also clad with aluminium cladding and set back at first, second and third floor level to achieve a more recessive appearance and to break up the mass of the overall building which expands much of the width of the plot. The proposal is relatively simple in design and materials include white painted render, tile cladding, aluminium cladding and timber louvres. Within the Conservation Area, render is predominantly adopted to the exterior walls of buildings with some examples of brick, exposed stone, painted stone and brick. Roof materials are a mixture of natural and artificial slate, plain tiles and pantiles. The proposal includes predominantly painted render walls, tile cladding and aluminium cladding. Render is clearly predominant within the Conservation Area and subject to the submission of full specification details and large scale details, the material choices are considered to represent an acceptable design response. The existing stone boundary wall is to be retained with amendments to allow for visibility and amendments to vehicular and pedestrian accesses.

The gradient of Cleveland Road and the topography of the site, together with the height and position of neighbouring plots suggest that a larger and taller building can be accommodated on this site than currently exists. The proposed building is located forward of the existing building and those adjacent, presumably to enable a building of this scale to fit within the wedge shaped plot. The shape of the plot is not evident in views from Cleveland Road, but in plan form, the solid to void ratio is much more obvious with the built form taking precedence over the garden areas. The proposal is set down within the site, with an element of basement accommodation to serve as a parking area. This is a positive element of the scheme preventing the need for large areas of hardstanding to the front of the building and allowing a green frontage to Cleveland Road. The proposal is of a lesser height than the neighbouring Homebourne House and due to the change in topography across the site, sits at a lower floor level and ridge height than 15, 15a, b and c Cleveland Road. In order to lessen the impact of the additional height on the area, the height of the building reduces from 5 storeys to 4 storeys and is well articulated diminishing its presence and impact on the street scene and breaking up the mass of the building. The subdivision of the main building through the recessive design of the central element and the recessive top floor help to reduce the overall mass and bulk of the proposal. Whilst this design approach is welcomed and there is agreement that a larger building can be accommodated on this site, the overall width and mass of the building is not considered sympathetic to the street scene or character of the Conservation Area (this is discussed further below).

The existing two storey dwelling to be demolished, occupies a generous triangular shaped plot with a curved boundary onto Cleveland Road. Whilst not specifically mentioned in the Roundham and Paignton Harbour Conservation Area Appraisal and not of any particular architectural merit, it occupies a subservient position towards the back of the plot away from the road frontage and is of a scale which

has preserved the generous grounds around it. For these reasons, the existing building does not detract from the character of the Conservation Area. In contrast the proposals are considered to be of scale that is out of proportion with the plot size itself and its immediate largest neighbour, Homebourne House. The proposals will remove the dominant garden space which contributes to the character of this part of the Conservation Area. This is evident more so where the building appears too close to the side boundaries of the plot. The scale of the green areas are limited to narrow side corridors alongside the building which would not be commensurate with the character of the Conservation Area. It is noted that Historic England has raised concerns regarding the height of the building, which exceeds the height of the trees and if reduced in height, trees would provide cover to lessen the impact on the neighbouring buildings. The retention of the curved stone wall is noted as a benefit to the scheme. In line with the above, the proposal is considered too large for the plot and amendments are required in order to ensure its acceptability.

Since the submission of these plans, a meeting has been held with the applicant and consultees to discuss potential revisions to overcome these concerns. Revisions have been suggested to the applicants and these include a stepped approach across the width of the proposal, reflecting the topography of Cleveland Road and a reduction to the width of the building to achieve well landscaped green corridors to either side of the building to reflect the character of the Conservation Area. Currently the scheme is considered too large and revised plans are expected and Members will be updated at the Committee meeting.

The setting of precedent has been raised as a concern within the submitted public representations. Whilst a planning consideration, each application is considered on its own merits and the acceptability of one proposal does not automatically effect another. Whilst the concern is noted this would not represent a reason to refuse the application.

Landscape Impact, Trees and Biodiversity:

Policy C4 states that development will not be permitted when it would seriously harm, either directly or indirectly, protected or veteran trees, hedgerows or other natural features of significant landscape, historic or nature conservation. In addition this Policy states that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible. Policy DE1 states that development proposals will be assessed against their ability to meet certain design considerations including the incorporation of existing trees and native species and the provision of high quality hard and soft landscaping.

The site is covered by two tree preservation orders, 1974.14.A2 and A1. 20 trees currently exist on the site and the tree report submitted in support of the application indicates that the proposals will result in the loss of all 20 trees. In terms of on-site landscaping there are 6 trees proposed within the proposed layout along with

shrub and hedge planting to the front, side and rear of the proposal building.

In line with comments from the Arboricultural Officer, the submitted landscape details, principally trees do not address the prominence of the site within the Conservation Area and the trees selected are not positioned such that the street scene will be enhanced. In addition the trees selected are unlikely to be welcomed by occupiers due to the density of the crown (even in winter) and planting pit details are not site specific or pertinent to the terraced style liner planting bed. In line with the above, the current proposal is considered unacceptable on both arboricultural and landscape merit. In light of the prominence of the site within the Conservation Area and the scale and massing of the proposed building, it is essential that the landscaping scheme is revised to ensure the acceptability of the overall proposal.

Since the submission of these plans, a meeting has been held with the applicant and consultees to discuss potential revisions to overcome these concerns. Revised plans are expected and Members will be updated at the Committee meeting.

Policy NC1 of the Torbay Local Plan seeks to conserve and enhance Torbay's biodiversity and geodiversity, through the protection and improvement of the terrestrial and marine environments and fauna and flora, commensurate to their importance. The policy continues to state that development should not result in the loss or deterioration of irreplaceable habitats or wildlife corridors. Where development in sensitive locations cannot be located elsewhere, the biodiversity and geodiversity of areas will be conserved and enhanced through planning conditions or obligations. It also notes that all developments should positively incorporate and promote biodiversity features.

The ecological survey submitted states that the site did not have suitable habitat for bats or any other protected species with the possible exception of slow worms, nesting bird and reptiles. The survey recommended that no further survey work is required prior to the development taking place and suggested precautions that should be taken to ensure wild birds and other animals are not harmed during nesting/activity seasons

A consultation response is awaited from the Council's Ecological Consultants, the Members will be updated on this point at the Committee meeting.

Access and Parking Provision:

Policy TA2 states that schemes which require a new access to/from the highway network will be supported where they provide vehicular and pedestrian access to a safe standard, including a satisfactory standard of visibility.

The visibility splays to serve the new vehicular access indicated are not acceptable. A minimum of 25m and 33m from an 'x' distance of 2.4m should be provided. A solution would be to build out the pavement kerb line. Revisions to

the access are required in order to achieve the minimum visibility splay on the access and Members will be updated at the Committee meeting.

If the pavement kerb line is built out, it is likely that a Traffic Regulation Order (TRO) will be required along the frontage of the site. In this event, the applicant will be required to fund the costs of making the TRO and associated works to the highway.

If the application is approved a travel plan setting out how at least 30% of the potential users can gain access by foot, cycle or public transport, and how this will be implemented and monitored including SMART targets and an annual review will be imposed by condition in order to secure compliance with Policy TA2.

Policy TA3 indicates minimum thresholds for car parking for development proposals. The proposal provides 27 parking spaces, 5 cycle spaces. This exceeds the standards of the Local Plan. Whilst an overprovision of parking space is not unacceptable, given the concerns regarding the size of the building a lesser provision would be appropriate.

Public representations regarding the impact on the availability of on street parking are noted but the proposals currently far exceed the standards set out within the Local Plan and therefore the impact on on-street parking is not considered to warrant the refusal of the application.

10 mobility scooter spaces have been provided but no space for a mini bus appears to be provided in line with the details within the submitted application form. Should the proposal be approved, the provision of electrical charging spaces, cycle and scooter storage will be secured by condition.

Quality of the Residential Environment for Future Occupants:

There are 22 new residential units being provided as part of the proposed scheme, these comprise of 13 are two bedroom apartments and 9 are one bedroom apartments.

Policy SS11 of the Torbay Local Plan outlines the criteria which the LPA uses to assess whether development proposals contribute towards sustainable communities. It continues by stating that sustainable communities are those that meet the diverse needs of existing and future residents, are sensitive to their environment and contribute to a high quality of life, they are safe and well planned, built and run.

Policy DE3 states that all development should be designed to provide a good level of amenity for future residents. Each of the proposed units far exceeds the size standards set out within the government document Technical Housing Standards-National Described Space Standard (March 2015), in one instance a unit is double the size that recommended by the minimum space standards. Whilst a scheme

which provides more floorspace per unit than indicated by the minimum floor space standards would not represent a reason to refuse the application, given the concerns regarding the size of the building, smaller units would be acceptable in this development.

In terms of outdoor amenity space, each of the proposed apartments benefits from either a terraced area or balcony. There is also a communal garden area to the rear of the building. The proposals far exceed the guideline of a minimum space of 10 square metres for apartments. Given the concerns regarding the size of the building smaller balconies/terraces would be appropriate.

In terms of the quality of internal spaces, the impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution are considerations in line with Policy DE3. The proposed units are largely double aspect with the exception of 6 units which benefit from views to the north east only. Due to the position of windows and balcony areas within the proposal, the occupiers of the proposed units are unlikely to be detrimentally affected by the existing buildings in terms of overshadowing.

Communal bin storage areas have been provided within the development along with a bin collection area. The Council's Waste Client Manager has confirmed that the proposals provide sufficient space for the storage of waste. The proposed bin storage facilities are considered acceptable and compliant with Policies DE3 and W1.

Neighbouring Amenity:

Policy DE3 also states that development should not impact upon the amenity of neighbouring and surrounding uses. A number of concerns have been raised from nearby residents in relation to the loss of privacy, light and the dominance of the development proposals. With regard to the impact on privacy, the side elevations include high-level windows which would prevent views into adjacent plots. The proposed balconies, however return around the side of the building, which has the potential to provide elevated views into the neighbouring site. At a meeting with the applicant, the inclusion of screens to prevent access around to the side of the building was discussed. Revised plans are expected from the applicant, the Members will be updated at the Committee meeting.

With regard to the impact of the proposals to the properties to the south, the distances involved and the change in topography is such that the proposals are not considered to result in significant detriment to residential amenity by reason of loss of privacy. Whilst the occupiers of these units to the south are likely to be able to see the development more so than is currently the case, the distances involved are such that any significant impact on privacy is unlikely. With regard to the properties north of the development, these are separated by Cleveland Road and due to the distances involved, it is not considered that a detrimental impact on privacy will occur.

In terms of loss of light, dominance and outlook, due to the orientation of the site and distances between buildings any impact is likely to be to those sites to the west. A sunlight and daylight analysis and details of what type of rooms in the adjacent building will have their outlook impaired, and a cross section to show the relationship between the property to the west and the proposal has been requested to allow further consideration of this relationship and any impact on neighbouring residential amenity. The Members will be updated on this point at the Committee meeting.

Due to the separation distances involved between the properties to the south east (15, 15a, b and c), the difference in topography and the orientation of the application site in relation to those surrounding, the proposals are not considered to result in serious detriment to residential amenity by reason of loss of light or by reason of being unduly dominant or overbearing. Whilst the site sits at a higher level, having considered the principal outlook of properties on Sands Road northwards towards the sea and the separation distances involved, the proposals are not considered to result in a serious detriment to residential amenity by reason of loss of light, outlook or by reason of being unduly dominant or overbearing.

It is noted that due to the height of the development there will be an impact on the outlook of properties to the south of the site which currently enjoy a view towards the sea. Whilst this is not ideal for the occupants of these properties, loss of view is not a planning consideration and would not represent a reason to refuse the proposal.

The impact on tourism has been raised as a concern within the submitted public representations. The site is outside of the Core Tourism Investment Area but would be positioned adjacent to it. The use of this site for sheltered accommodation is not considered to conflict with neighbouring tourism uses. Whilst the proposal will alter the appearance of the site, providing the design is appropriate bearing in mind the location within the Conservation Area, the proposals are considered to integrate well with other residential and tourism uses nearby. The proposed use of the site is not considered to conflict with other neighbouring uses nor with Policy TO1 of the Torbay Local Plan 2012-2030.

Concerns have been raised within public representations regarding noise and disturbance during the construction processes. Whilst concerns are noted, the construction process will be short lived and a condition can be imposed to secure a construction process which minimises disturbance for local residents. Were the proposals to be considered acceptable a condition requiring the submission of a construction method statement would be imposed.

Concerns have also been raised regarding house values, these would not constitute planning considerations and would not warrant the refusal of the application.

Drainage:

The application site is within the Critical Drainage Area as designated by the Environment Agency. Policy ER2 requires all development to seek to minimise the generation of increased run-off, having regard to the drainage hierarchy, whereby surface water will firstly discharge to an adequate infiltration system, a main river or watercourse, a surface water sewer or highway drain or as a last resort a combined foul sewer where discharge is controlled to be at a greenfield discharge rate. The Council's Drainage Engineer has agreed that due to ground conditions and the gradient of the site that the use of infiltration drainage at this development is not feasible and therefore the drainage strategy has been based on a controlled discharge rate to the combined sewer system. The controlled discharge rate has not been identified for the site as 1.5l/sec as required within a Critical Drainage Area. Further information has been requested by the Drainage Engineer, this is currently with the applicant to action. The Members will be updated on the drainage matters at the Committee meeting.

Other Issues:

Policy SC1 of the Torbay Local Plan states that all developments creating over 1,000sqm of floorspace will be required to undertake a screening for a Health Impact Assessment and a full Health Impact Assessment if necessary, proportionate to the development proposed and to demonstrate how they maximise positive impacts on health and healthy living within the development and adjoining areas. A screening has been requested from the applicant.

Human Rights and Equalities Issues:

Human Rights Act: The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance

Equalities Act: In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Local Finance Considerations:

The proposal would result in the provision of 22 additional residential units which would attract new homes bonus. There would also be a benefit to the local economy as a result of the construction of the proposed development. The

provision of sheltered apartments would also have the potential to 'free up' family housing as it offers the opportunity to downsize in the housing market.

S106/CIL:

Affordable Housing:

The site is partially brownfield and partially greenfield. The existing units on site have been taken into account and the policy compliant levels of affordable housing indicate that 5 affordable housing units should be provided on site. The applicant has however argued that the site is not suitable for on-site provision of affordable housing. The Affordable Housing Delivery Officer has not yet agreed that such an approach would be acceptable.

S106:

S106 contributions are required from this development in accordance with Policy H6 and the Planning Contribution and Affordable Housing SPD. Policy H6 states that the Council will seek financial contributions via s106 Planning Obligations to meet likely local healthcare and social service costs arising from care facilities and sheltered accommodation, unless applicants are able to show that this contribution would not be appropriate. For example where on-site care and facilities are provided as part of an overall development package, or where occupancy is restricted to persons already living in Torbay. A baseline contribution of £1,300 per unit of sheltered accommodation is sought. On developments which are liable to provide affordable housing where viability is an issue, the provision of affordable housing will usually be prioritised over social care contributions. When considering viability, the liability to pay CIL is also taken into account. The liability to pay CIL is reduced or removed only in exceptional circumstances.

A viability assessment has been submitted with the application and is currently being independently assessed by the Torbay Development Agency. The healthcare contribution would be £28,600 for 22 market units or £22,100 for 17 market units and 5 affordable units. The Members will be updated on the outcome of the independent viability assessment at the Committee meeting.

CIL:

The application is for residential development in zone 2 where the Community Infrastructure Levy (CIL) is £70 per square metre of additional gross internal floor area created. The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 412.5m². The CIL liability for this development is £154,875. In line with the submitted CIL form, this is based on 2,212.5net m² at £70 per m². This amount does not take into account any CIL exemption or relief that may be eligible. The applicant has included CIL costs within the viability assessment, suggesting that they do not intend to apply for exceptional circumstances.

EIA:

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

Date: 29.08.2017

Proactive Working:

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. Subject to a number of revisions to the scheme and the receipt of additional information, the Council has concluded that this application is acceptable for planning approval.

Conclusions:

The site is identified within the Torbay Local Plan as a potential development site for consideration in the Neighbourhood Development Plan, primarily for housing. Policy SS12, SDP1, H1 and H6 of the Torbay Local Plan would support the principle of redeveloping this site for sheltered housing. However the site is within the Roundham and Paignton Conservation Area, and the design and scale of the scheme is not considered to maintain or enhance the character of the Conservation Area which is characterised by generous landscaped plots. Subject to the submission of revised plans which illustrate a development which can achieve a good quality landscape setting to the proposals and a reduced scale of development together with an adequate level of visibility at the access, the proposal is likely to be considered acceptable.

A number of outstanding matters remain, including those in relation to viability, affordable housing provision and Section 106 contributions. Additional information has also been requested by way of a sunlight and daylight assessment, privacy screening of balconies and a health impact screening. Subject to the successful resolution of these matters and revisions to the design as noted elsewhere in this report, it is considered that an acceptable scheme can be achieved.

The recommendation is that these outstanding matters be delegated to officers to resolve. Subject to the successful resolution of these matters, the proposal is recommended for conditional approval.

The proposals have been considered in relation to Policies SDP1, SS7, SS8, SS10, SS11, SS12, DE1, DE3, C4, NC1, ER1, ER2, H1, H2, H6, SC1, TA1, TA2, TA3 and associated Appendix F of the Torbay Local Plan 2012-2030.

Relevant Policies

SDP1 - Paignton

SS7 - Infrastructure, phasing and employment

SS8 - Natural Environment

SS10 - Conservation and Historic Environment

SS11 - Sustainable Communities Strategy
SS12 - Housing
DE1 - Design
DE3 - Development Amenity
C4 - Trees, hedgerows and natural landscape
NC1LFS - Biodiversity and Geodiversity
ER1 - Flood Risk
ER2 - Water Management
H1LFS - Applications for new homes
H2LFS - Affordable Housing
H6LFS - Housing for people in need of care
SC1 - Healthy Bay
TA1 - Transport and accessibility
TA2 - Development access
TA3 - Parking requirements