

Application Number

P/2017/1117

Site AddressSouth Devon Police Station
Southfield Road
Paignton
TQ3 2SP**Case Officer**

Mr Scott Jones

Ward

Clifton With Maidenway

Description

Re-advertisement: Outline application for 46no. new apartments with below ground parking with all matters reserved except for access (as revised by plans received 13.01.2018).

Executive Summary

The application site is the former Paignton Police Station located on the junction of Southfield Road and Blatchcombe Road in Paignton. The former police station building was a large three and four storey L-shaped building that dated from the mid-20th Century, which covered a large proportion of the central area of the site. This building has been demolished for some time now and the central core of the site sits cleared and level.

The application seeks outline planning permission for 46 apartments with all matters reserved except for access.

The indicative plans show a large single "L" shaped building that principally follows the building line of the previous police building. There is under-croft basement parking with 5 floors of accommodation above. The indicative plans show 46 one and two bed apartments within a modern-looking building.

The vehicular access is proposed to be off Southfield Road where the present access is located. The existing pedestrian access from Blatchcombe Road will be retained to serve the development.

There is history to the site and permission was granted for 14 dwellings in 2012. Further applications for sheltered units were refused and withdrawn in 2012/2013.

The site is considered suitable for residential use and the key issues are whether the extent of housing can be adequately provided with the necessary parking, amenity space, and other necessary elements required for permanent residential occupancy within the site, without undue impact upon protected trees, the area, and setting of adjacent listed buildings.

For the purposes of an outline permission the indicative plans largely resolve an

acceptable scheme that suggests that 46 units can be adequately delivered on the site.

The accommodation would be CIL liable and based on the indicative plans would secure around £359,870.00 in liability payment. The Affordable Housing policy within the Torbay Local Plan suggests that 9 units should be secured on-site. The applicant has submitted a viability assessment to show that it would be unviable to provide affordable housing from the development.

Recommendation

Approval: Subject to:

1. The receipt of a detailed drainage solution that is acceptable to Officers,
2. The receipt of tree protection plan that is acceptable to Officers,
3. Conditions delegated to the Executive Head of Assets and Business Services, to include those listed within this report.

The signing of a S106 Legal Agreement in accordance with the adopted Affordable Housing Supplementary Planning Document the secure a review of the financial viability of the scheme and payment of a financial contribution towards affordable housing if viability improves.

Reason for Referral to Development Management Committee

The application is a Major Outline Application, and is required by the Council's constitution to be determined by the DM committee.

Statutory Determination Period

13 Weeks - Extension of Time agreed until 16th March 2018 to permit proactive discussions to take place beyond the 13 week target date.

Site Details

The application site is the former Paignton Police Station site located on the junction of Southfield Road and Blatchcombe Road in Paignton. The former police station building was a large three and four storey L-shaped building that dated from the mid-20th Century which covered a large proportion of the central area of the site. This building has been demolished for some time now and the central core of the site sits cleared and level.

Residential properties sit on higher land off Southfield Rise to the north of the site. A residential property sits adjacent to the site to the west of the site off Blatchcombe Road which is on relatively level land to the development site, and highways border the site to south and east.

Access to the site is presently off Southfield Road to the east, with the southern boundary of the site adjacent to Blatchcombe Road contained by a stone boundary wall with trees behind.

There are a number of listed buildings in the vicinity and 5 trees are protected by a Tree Preservation Order (TPO Reference 2012:021).

The site sits in the wider Critical Drainage Area that covers the majority of Torbay and there is an identified linear flood risk area that follows Blatchcombe Road which spreads east towards lower land and the coast.

The site is designated as a committed and deliverable site for residential purposes in the Torbay Local Plan and Paragraph 6.146 of the Submitted Paignton Neighbourhood Plan states that "the Former Paignton Police station provides an opportunity for housing or employment redevelopment".

Date of Officer Site Visit:

W/C 6th November 2017 and W/C 5th February 2018.

Detailed Proposals

This is an outline application for 46 residential apartments with all matters reserved for future consideration other than access, which is detailed within this application.

The detailed access is on the eastern boundary off Southfield Road, in the location of the current access that served the former police station.

Indicative plans have been submitted that seek to show that the site is capable of achieving 46 apartments in an acceptable form of development consistent with the Local Plan and the National Planning Policy Framework. Consideration and weight is also given to the Submitted Paignton Neighbourhood Plan. The supporting plans have been revised through the course of the application to address concerns raised by Council Officers on matters that include amenity impacts on adjoining occupiers, impact upon trees and the townscape, and surface water drainage.

The supporting indicative plans show a large single L-shaped building with a floor of integral parking below ground level, with five floors of accommodation above. There are four main floors and a partly recessed fifth floor. The plans show a modern looking building that incorporates large elements of glazing and rhythmic sections of cladding. Appearance is however reserved for future consideration and hence this is only indicative.

The indicative footprint (following revised plans) closely follows the previous footprint of the police building. The indicative length (east-west) of the building is 61 metres and the length of the "L" return (north-south) is 32 metres. The prevailing depth of the building from the front to the rear is approximately 12 metres throughout the L-shape.

The indicative height of the building is 15 metres, which is detailed as being 1 metre higher than the previous police building's four-storey element (the north-south return of the previous L-shaped building near the western end) and 4 metres

higher than the three-storey element of the previous building (the east-west run along that backed on towards the retaining wall on the site and Southfield Rise).

Cantilevered balconies are shown to provide private outdoor amenity space for some units and there is communal amenity space to the south and west of the building within the indicative plans.

In terms of parking there is an external courtyard that is shown to provide 13 parking spaces and under-croft parking at lower ground floor that is shown to provide 39 parking spaces. This is an indication that 52 spaces for 46 apartments could be provided in total.

Cycle storage is provided within the lower ground floor under-croft along with bin storage, which is shown close to the corner of the building near the entrance to the site.

An addendum to the initial flood risk assessment and drainage strategy has been recently submitted in support of the application, and there is also supporting documentation in respect to transportation and tree protection.

A viability assessment has been submitted which indicates that the proposed development would not be viable if it were to provide any affordable housing.

Summary Of Consultation Responses

Design Consultant:

The proposal has been through the Torbay Design Review Panel and has been subject to a pre-application submission. The design panel emphasised that in seeking to emulate the scale and mass of the former police building it is imperative that a high quality and sophisticated contemporary design is achieved.

The revised plans have reduced the length of the building and drawn the western building line back to the line of the previous police building that occupied the site, which was four storeys high in this area. This revised building line has responded to the key area of concern in terms of the impact upon living conditions of the neighbouring bungalow. The reduced width has also reduced the resultant bulk of building within the townscape which was another concern.

When considering the scale of the previous police building an adequately resolved building form, achieved via careful consideration of a Reserved Matters application, is likely to present an acceptable addition within the townscape when considering the site had long held a large monolithic building.

Following the recent revisions the proposal is supported (in outline). In-line with the previous comments of the Design Review Panel the reserved matters should be carefully considered to secure a high quality building.

Drainage Engineer:

The detailed design strategy for the treatment of surface water has been informed by infiltration testing and it is noted that the results have led to a mixed provision of soakaways where possible and attenuating and discharging at a controlled rate to the Public Sewer where soil conditions inhibit the use of soakaways. This proposed drainage solution accords with the hierarchy approach outlined in the Torbay Local Plan (Policies ER1 and ER2). However there are certain detailed design elements missing and until the anomalies are addressed the proposal does not demonstrate the risk of flooding to land or building is not increased.

The design matters need to be satisfactorily addressed before planning permission is granted to ensure that the risk of flooding is not increased.

NB. Further detail, a flood risk addendum, is currently being considered by the Council's engineers.

South West Water:

No objection subject to the development according with the submitted Flood Risk Assessment.

Environment Agency:

No response offered.

Strategic Planning/Transport, incorporating the views of the Local Highway Authority:

The revised plans submitted show that a visibility splay of 43 metres in both directions can be achieved off the proposed access. This is considered to meet highway safety requirements. The reduced finish levels proposed appears to provide close to a level access and therefore the gradient would not present a danger to highway users. The detailed element of the application (access) is therefore supported.

It has been previously indicated that pedestrian facilities should be improved at the junction of Southfield Road and Blatchcombe Road in order to secure a pedestrian build out and refuge area. This is required in order to address likely increase in pedestrian movement crossing this junction. These works should be secured by a condition to enter in to a S278 Agreement.

It is noted that there are local residents concerns raised about parking levels. The proposal initially provided 57 spaces for 47 apartments (now 52 for 46) which is in conformity with the Local Plan Guideline Requirement in Appendix F of the Local Plan. It would be difficult to insist on any further provision when considering the sustainable location of the site.

The provision of cycle parking and waste/recycling provision is welcomed, as are

the plans showing electrical charging points in the basement.

Conservation Officer:

The application is accompanied by an archaeological appraisal dated October 2017 by AC Archaeology, which updates their previous one of January 2015. This includes the impact of the current scheme on the area of high archaeological potential. It is recommended that the standard archaeological condition is attached to any permission, only a watching brief will be required. No comment to offer on the setting of the adjacent listed buildings when considering the site previously held a large monolithic building for many years.

Waste Services Team:

No response offered.

Community Safety Team:

No objection. Records indicate that there are disused tanks on the site. Recommend that a contaminated land condition be attached to the permission to protect the end user from any potential harm and ensure the site is safe for residential use.

Arboricultural Officer:

The initial proposal identified the removal of protected trees and such a proposal is not supported and a solution should be found to allow the trees to be safely retained in order to comply with Policy C4 of the Torbay Local Plan.

Revised plans submitted, which includes a tree constraints plan, show a building line that has regressed away from the protected Lime in the south west corner of the site, and has removed reference to numerous fellings including the other protected trees. The revisions appear to present a positive step forward in terms of arboricultural impact however there is an element of certainty missing due to the absence of tree protection details within the revised tree plan.

Further information is requested in order to ensure a positive position that is in-line with Policy C4 of the Torbay Local Plan is secured.

Ecology Consultant:

This brownfield site has the potential to support nesting birds. Demolition and any vegetation removal required as part of the development should be undertaken outside of the bird nesting season (March to September inclusive) or under the supervision of a suitably qualified ecologist.

There is potential for reptiles to be present on the site, particularly slow-worms and therefore any vegetation clearance should be undertaken during the reptiles' active season (April to October) in a phased and controlled manner under ecological watching brief.

There is the possibility that hedgehog and badger may be present or frequent the site. Therefore, mitigation during vegetation clearance and the construction phase must be undertaken.

Care should be taken to avoid impacts from increased lighting from that which already occurs on the site at ambient levels. The development of a sensitive lighting strategy to avoid light, or additional light spill, onto linear vegetation and treelines, or an increase in light levels, should be mitigated for.

The National Planning Policy Framework (NPPF) seeks to maintain and enhance biodiversity within planning policies and decisions, with regards to new development. Where new builds are to be erected, the inclusion of integrated habitat by design for birds and bats should be considered.

Post development opportunities should be taken with any landscaping to further enhance the biodiversity relative to that currently presented on site. This will address Policies C4 and NC1 of the Torbay Local Plan 2012 - 2030.

Police Designing Out Crime Officer:

The proposed measures as detailed in the Transport statement and Travel plan are fully noted but there is still concern with regard to the 57 parking spaces for 47 dwellings given the lack of nearby on road parking.

The proposed measures to try and encourage residents and their visitors to walk, cycle or use public transport over the preference of owning a private vehicle are fully supported.

It is respectfully requested that the level of parking provision balanced against the proposed number of dwellings, is carefully considered prior to determination in order to prevent adding to the ever increasing visual evidence of vehicle related problems due to inadequate and in some cases poorly designed parking provision for some new development.

Historic England:

No response offered.

Summary Of Representations

Publication type: Neighbour notification letters, site notice and newspaper advertisement.

12 representations have been received (12 objections from 9 local residents) and there is an objection from a Ward Councillor as chairman of the local Community Partnership.

Key issues raised:

- The proposal would create addition parking pressure upon local streets.
- Loss of light and overshadowing.
- Loss of privacy (properties to the north and west).
- Additional traffic.
- Drainage concerns.
- Not in keeping with the area.
- Building is too high
- Impact on trees and wildlife.

Relevant Planning History

P/1996/0726: Alterations and Extensions to Existing Front Car Park, Minor Alterations to Existing Building and Widening of Access (As Revised By Plans Received 13th December 1996). Approved 09/01/1997.

P/2010/1204: Formation of 16 dwellings with associated parking and access road. Withdrawn 24/01/2011.

P/2011/0324: Residential development to form 14 dwellings with associated parking and access road. Approved 20.02.2012.

P/2012/0895: Development to form 54 sheltered apartments for the elderly including communal facilities (Category II type accommodation), access, car parking and landscaping. Refused 07/01/2013.

P/2013/0550: Development to form 57 sheltered apartments for the elderly including communal facilities (Category II type accommodation), access, car parking and landscaping. Withdrawn 15/08/2013.

Key Issues/Material Considerations

Principle of residential use

The site has historically benefitted from planning permission for housing (14 dwellings) and is identified within the Adopted Torbay Local Plan as a Committed and Deliverable Site (CDSP9). In addition the Submitted Paignton Neighbourhood Plan states that "the Former Paignton Police station provides an opportunity for housing or employment redevelopment" (Paragraph 6.146).

Considering the context outlined above the general thread is that the use of the site for residential purposes is considered acceptable, which is a material consideration.

The proposal seeks residential apartments and it is the opinion of officers that the site is well-suited to this use, being in a relatively central location with good access to shops, services and transportation links. In addition in terms of the character and immediate context, the site is also set in an area with a largely residential character, and hence the proposed use would assimilate easily and reinforce the character of the area.

Subject to ensuring that the proposal provides adequate internal living environments, adequate parking and associated residential elements, such as

waste and cycle storage, amenity space etc., in order to secure good quality living environments, and also retains adequate amenity levels for adjacent occupiers, the principle is considered acceptable and aligned with a number of relevant strategic and housing policies within the Torbay Local Plan and the National Planning Policy Framework (NPPF), which support a sustainable pattern of housing provision with an emphasis upon the regeneration of brownfield sites, town centre sites and urban sites such as this one.

In strategic policy terms the principle is considered consistent with Policies SS11 (Sustainable Communities) which supports proposals that regenerate or lead to the improvement of social, economic or environmental conditions, SS12 (Housing) which supports the delivery of 8900 new homes in the plan period, SS13 (five year housing land supply), SDP1 which supports rejuvenation of Paignton, SDP2 (Paignton Town Centre and Seafront) and H1 (Applications for new homes) of the Torbay Local Plan and Para 49 of the NPPF where housing applications should be considered in the context of the presumption in favour of sustainable development (unless other material consideration indicate otherwise).

Access and highway matters

The application seeks approval for a detailed access off Southfield Avenue in the location of the previous (and current) access point for the police station. In addition pedestrian access is proposed from Blatchcombe Road, utilising an existing access.

Considering the site context this appears the only realistic vehicular access point in to the site and one that had historically served a relatively movement intensive use, i.e. the police station, for many years.

The Highway Authority has raised concern in respect to ensuring that there is an acceptable gradient to the proposed access to serve the development and also that there is acceptable visibility for the access.

In regard to the access gradient the land levels in to the site will be lowered by approximately 0.5 metres 5 metres in to the site and by approximately 1 metre 10 metres in to the site. This will provide an almost level access in to the site from the adjacent highway with a then gentle rise up through the internal layout. The proposed layout shows a gradient that is acceptable in terms of highway safety.

In regard to the access visibility additional information has been received that shows that the access will achieve the necessary sightlines of 43 metres at a position 2.4 metres back from the edge of the carriageway in both directions. This satisfies the Highway Authority design criteria for safe visibility from the junction.

There are no other particular issues of concern in terms of the highway network and safe access.

The proposed detailed access is considered acceptable to serve the development, in accordance with Policy TA2 of the Torbay Local Plan.

Car Parking

Car parking is noted as an area of concern in the local area in terms of potential impact upon adjacent streets, which is exhibited in the level of concern noted in the public representations on this point. It is one of the key issues to consider.

The application is submitted with the indicative layout showing a proposed parking ratio of 1:1 parking for residents with 6 visitor spaces, which gives a provision of 52 car parking spaces for 46 apartments.

Policy TA3 and Appendix F of the Torbay Local Plan provides the policy context regarding parking provision for development and provides estimated requirements for parking that reflect a balance between ensuring that the levels of car parking generated by development are met on site, with the need to ensure that due consideration is also given to sustainable transport methods.

Appendix F identifies an expected requirement of 1 car parking space per apartment and also notes that parking for visitors should also be provided. There is no guidance on what levels of visitor parking should be provided though. The guidance notes also state that 20% of available spaces should have electric charging points.

The site is in a relatively central location with good access to facilities and sustainable transport infrastructure (bus routes and the town centre being in close proximity to the site). This would normally provide a context where the level of parking provision could be considered more flexibly if necessary. However, notwithstanding the relatively central and sustainable location, given that there is limited on-street parking in the area the proposal should demonstrate that sufficient parking can be achieved to limit an external impact in the area.

As the Local Plan provides no detailed information on the levels of visitor parking in residential development it is a judgement on whether the indicative provision is adequate. 6 additional spaces provides a ratio of 1 space for each apartment plus one additional space for every 7-8 apartments. In the context of a central and sustainable site, which may encourage some occupants not to own or use a car, the level of parking shown is considered acceptable.

On balance it is considered that the scheme provides an acceptable balance in terms of parking provision to limit the impact upon the surrounding area whilst securing a good quality environment within the proposed development, such as securing a landscape setting for a large building and adequate amenity space for occupiers.

Having considered the policy context and the concerns of neighbouring occupiers

it is considered acceptable to support a scheme that provides 1:1 residents parking and additional visitor parking to a ratio of no less than 0.13 (i.e. 6 spaces for 46 flats), by condition. To ensure that other forms of transport are duly promoted the travel plan should be conditioned with ongoing management to review and improve if the modal shift targets are not being reached.

The above parameters are considered to provide development that accords with Policy TA3 and Appendix F of the Torbay Local Plan.

Drainage and flood risk

The application site sits within the wider Torbay Critical Drainage Area (CDA) as designated by the Environment Agency and hence a rigorous surface water disposal strategy is required in order to ensure that this brownfield site achieves reduced rates of surface water runoff. There is also a linear flood risk area to the south of the proposed building that loosely follows Blatchcombe Road towards the coast to the east.

The design concept responds to the results of the infiltration testing which limits the use of soakaways to serve the internal roads and areas of hardstanding, and controlled discharge to the Public Sewer to manage surface water drainage from the building.

The Council's Drainage Engineer has reviewed the initial flood risk assessment and drainage strategy and although the principles are supported there is concern that certain detailed design elements are not adequately referenced.

Subject to the additional detail being submitted, which should be secured prior to the grant of any permission to ensure that the risk of flooding is not increased, the drainage management regime is considered acceptable to the Council's Drainage Engineer.

The Environment Agency have not offered comment on the proposal.

Additional information is currently being reviewed by the Council's Drainage Engineer and Members will be updated on this matter.

Subject to the receipt of acceptable detail the proposal is acceptable on flood risk and surface water drainage grounds, in accordance with Policies ER1 and ER2 of the Torbay Local Plan.

Visual impact and impact upon the setting of the adjacent Listed Buildings

As the proposal is submitted in outline the location, footprint and the appearance will ultimately be considered at Reserved Matters stage. However the indicative plans are representative and illustrative of the likely location, scale and form of building that is necessary to deliver the amount of development being proposed.

The illustrative plans for the proposal show a single large building with a modern appearance, with an L-shaped footprint and with a recessed upper floor. The elevations are a mix of render, glass and cladding in the illustrative plans that have been submitted, with balcony details also engrained within the potential design.

The proposal has been through the Torbay Design Review Panel and has been subject to a pre-application submission. The design review panel emphasised that in seeking to emulate the scale and mass of the former police building it would be imperative that a high quality and sophisticated contemporary design is achieved. The panel did not contest the potential to replicate the scale and massing of the former police building notwithstanding that the area is generally characterised by more modest building types. This appears a reasonable position and one that is supported by officers when considering that the former building was long established within the local area, having sat on the site for decades prior to its fairly recent removal in readiness for redevelopment.

In terms of the design and likely impact the initial proposal was higher and longer than the previous police building. This raised some concern in terms of how the building may sit within the townscape (along with concerns on the impact on neighbouring occupiers due to proximity). The Agent has responded positively to these concerns and revised plans have drawn the building back to the width of the former police building. The reduced width has reduced the likely bulk of the building within the townscape, which is a secondary positive impact from the amended width.

The request for revised plans has also enabled the Agent to respond to concerns on the loss of tree cover on the site. The verdant borders would have historically acted as a softening element to the monolithic police building and the initial proposal to remove most of the tree cover would present a far more prominent building than that previously experienced. Any proposed replacement landscaping would take many years to reach the scale and maturity of the existing tree cover to provide a similar or enhanced level of softening. The revised plans show the retention of trees, subject to some clarification, and hence these concerns now appear to be overcome. There appears scope to secure development behind retained (and enhanced) tree-lined borders, in order to reduce its presence and likely impact upon the townscape.

The height of the proposed building is likely to be between 1-4 metres higher than the previous police building. The "L" return towards Blatchcombe Road is shown to be 1 metre higher than the previous 4-story element and the longer linear section that runs east-west would largely be 4 metres higher than the previous 3-storey element that backed on to the retaining wall towards Southfield Rise. The building does step down to 3 storeys as it approaches Southfield Road and the entrance to the site, which will reduce its perceived scale and visual impact from the east. The height of the building is higher than the prevailing height but is considered acceptable and in accordance with the aims and objectives of Policy DE4 (Building

heights) of the Torbay Local Plan, as the site previously held a building of similar height, and the proposal will provide socio-economic benefits by providing much needed housing and regenerate a brownfield site, in a sustainable location. Policy DE4 states that the introduction of tall buildings above the prevailing height will be supported subject to a number of criteria which include (a) where they enhance the vitality of the area, (b) contribute to the regeneration of Torbay, (c) strengthen the character of the area, (d) are appropriate in terms of their visual impact, (e) provide wider urban design or socio-economic benefits and (f) make a positive addition to the built form and townscape. The indicative plans indicate that the proposed development would be able to meet these criteria. Careful consideration of the Reserved Matters would be able to secure a good quality building that will make a positive contribution to the townscape.

In terms of the setting of adjacent listed buildings the Council's Senior Historic Environment Officer has raised no concern in terms of a potential harmful impact. As previously concluded the revised proposals would appear to provide the opportunity to secure strong verdant borders that will act as a screen and softening element to the building, much as with the previous police building. Considering the footprint and height of building is likely to be similar to that previous police building, the impact upon the setting of the adjacent Listed Buildings is considered acceptable.

When considering the scale of the previous police building an adequately resolved building form, achieved via careful consideration of a Reserved Matters application, is likely to present an acceptable addition within the townscape when considering the site had long held a large monolithic building. Following the revisions there is now support for the proposal (in outline) in design terms and in-line with the previous comments of the Design Review Panel the reserved matters should be carefully considered to secure a high quality building.

The proposal is considered to generally accord with Policies DE1 and SS10 of the Torbay Local Plan and areas of concerns will be considered through a Reserved Matters application. The proposal is considered acceptable in terms of the likely visual impact.

Quality of the residential environment

The outline proposal should provide adequate comfort that a good standard of residential environment for future occupiers can be achieved.

The indicative layout plans show a generic division of apartments throughout the various floors. Each apartment generally accords and exceeds the size standards outlined within the Torbay Local Plan where Policy DE3 indicates a space standard for 1-bed flats of 50sqm and for 2-bed (3 person) flats of 61sqm. The indicative plans generally show 1-bed units at around 55sqm and 2-bed units at around 75-80 sqm which will provide a good standard of internal accommodation in terms of

the size of apartments.

In terms of outlook and natural lighting the layout of the building will provide all apartments with an acceptable level of outlook and lighting to key rooms as there is the potential to provide a uniform external frontage. The main habitable rooms are focused towards the sunnier southern aspects with bedrooms towards the rear (northerly aspect), which appears well considered in terms of maximising the quality of the internal environments and aspects.

Policy DE3 identifies that development should make provision for external amenity space where possible and as a guideline suggests that a minimum of 10sqm will be sought for apartments. There is a design expectation that a number of apartments will benefit from a balcony, which will provide some form of external amenity space for occupants. It is unclear what size of balcony could be adequately achieved within a finely resolved design however the provision, within an urban site, together with the potential for some good quality communal space at ground floor to the sunnier southern and western areas of the site, is likely to present a satisfactory provision of amenity space for occupants.

In terms of supportive facilities the indicative plans show how cycle and waste storage could be adequately achieved. These facilities appear suitably sized and located and a Reserved Matters submission can ensure the suitable provision is achieved.

A pedestrian access to the building will be reintroduced from Blatchcombe Road which is welcomed as this provides a point of approach to the principal elevation of the building for occupiers and visitors on-foot.

All matters considered the proposal is considered to provide adequate certainty that a good standard of residential accommodation can be achieved and thus the development is considered to accord with the aspirations of Policy DE3 of the Torbay Local Plan.

Impact upon local residential amenity

There are residential properties in close proximity to the north and west and the impact upon these properties should be duly considered.

To the west lies a bungalow that is set on level ground that is comparable to the ground level of the site in question, although its garden does rise to the rear. The initial proposal showed an indicative height of building similar to the previous police building however the footprint was shown to be demonstrably closer to the joint boundary than the previous building. The indicative design also showed a number of balconies facing west serving various apartments. The proximity of the building, together with its height and the likely provision of balconies, raised substantial concern in terms of loss of light, overshadowing, and loss of privacy for the occupiers of this property. The relationship has been reconsidered and the revised plans have recessed the building line back to the position of the previous police

building. This now provides an indicative gap to the edge of the plot of 18 metres and 20 metres to the flank of this adjacent property. The revised distance of the building to the edge of the plot is considered to provide an acceptable relationship in order to ensure that there is no undue overshadowing or loss of light to the property or its amenity space. The impact of balconies and windows should be carefully considered at Reserved Matters stage, together with the landscaping, in order to ensure that there is no undue overlooking. It is proposed that a condition is attached to any permission to ensure that the indicative plans are duly evolved to respond to this concern for any future Reserved Matters application.

To the north there lies a number of properties off Southfield Rise, which are all set on higher ground than the application. The border of this lane offers some natural screening with numerous trees lining the bank and hedge border. The indicative drawings show that the proposed development would rise to a level that is similar to the ground level of these properties, and that the distance between the properties is likely to be between 16 and 20 metres. Subject to a mixture of design techniques to limit the inter-visibility between properties, for the purposes of residential quality for both new occupants and the existing, for example which may limit the primacy of the rooms to the rear facing Southfield Rise and limit the extent of glazing (certainly to the west where the distance between properties is likely to reduce), the residential relationship is considered an acceptable one. Careful consideration of the landscaping Reserved Matters could also improve the relationship between existing buildings and the proposed building.

In the context the impact upon amenity is considered acceptable. As detailed the relationship, principally to the north and west would appear to be acceptable and could be duly protected through careful consideration at Reserved Matters stage. For the purposes of the outline application that seeks details approval for access alone this detailed matter can be resolved at Reserved Matters stage.

The proposal is considered suitable for approval having considered the aims and objectives of Policies DE1 and DE3 of the Torbay Local Plan.

Biodiversity and Trees

Biodiversity

The site is a somewhat barren brownfield site with large expanse at its centre that is absent of any vegetation following the demolition of the former police building. The borders of the site do offer some degree of habitat in terms of hedging and trees, however these features are likely to be largely untouched by any forthcoming development.

There is very little that is present or likely to be present in terms of flora and likely fauna within the central area of the site and as such there will be no harmful impact upon biodiversity.

In-line with Policy NC1 measures to enhance biodiversity should be duly considered. A construction and Ecological Management Plan (CEMP) should be secured to ensure that natural features are duly protected during construction. A Landscape and Ecological Management Plan (LEMP) should be secured in order to ensure that biodiversity interests are promoted post-construction, should secure maintenance of retained features and proposed landscaping post-construction and any physical measures to enhance biodiversity, such as providing bat and bird boxes to enhance roosting and nesting facilities. Both a CEMP and LEMP are recommended to be secured by planning conditions in order to accord with Policy NC1 of the Torbay Local Plan

Impact upon Trees

There are 5 individually protected trees within the site along with a number of additional trees and tree groups that are not protected. Tree Preservation Order 2012:021 protects a Lime and a Norway Maple in the southwest corner of the site, and three Beech trees which sit individually, with one in the northwest corner on a higher plateau, one adjacent to the existing entrance on the eastern boundary and one in the southeast corner of the site. In addition to these protected specimens there are a number of additional trees that provide a verdant border setting for the site, which is a pleasant softening feature within the townscape.

The initial submitted Tree Report identified management recommendations to inspect the protected Lime, coppice a tree group on the raised northern border of the site, and remove and replant a tree group on the southern border. The accompanying Tree Protection Plan diverged from the report and identified the removal of the protected trees and the majority of the unprotected trees. The overarching removal of the majority of the arboricultural features, largely unsubstantiated in terms of need, is not supported and would be contrary to Policy C4 (Trees, Hedgerows and natural landscape features) of the Torbay Local Plan.

Following positive discussions with the agent a revised Tree Constraints Plan has been submitted that appears to move positively to a position of retention over removal. There is a degree of uncertainty as the revised Tree Constraints Plan is absent of a key and tree protection detailing (both previously detailed). The Agent has been asked to address these matters to ensure that due consideration and certainty can be achieved. The existing detail suggests that a suitable position, one that retains and protects the key natural features, can be secured, but this is subject to further detail.

Members will be updated on this matter.

Neighbourhood Planning Context -

Paignton Neighbourhood Forum are supportive of the principle of residential redevelopment at Paignton Police Station. Paragraph 6.146 of the Submitted Neighbourhood Plan states that "the Former Paignton Police station provides an

opportunity for housing or employment redevelopment".

Policy PNP26 is a criteria based policy for Clifton with Maidenway and refers to the need to protect and enhance existing landscape features and make use of opportunities to improve the range and quality of housing provision. There does not appear to be an in-principle objections to this policy and therefore it can be given significant weight.

The Neighbourhood Plan has not made site allocations however Table 8.1 "Housing sites and Phasing Conclusions" shows the former Police Divisional HQ (CDSP9/ T744) as a housing site for 14 dwellings for delivery in 2015-20. The Forum have subsequently argued that the site should be considered as forming part of the Council's five year housing supply. The 14 units appears to reflect the Local Plan's reference to application P/2011/0324 rather than setting a ceiling for development.

The current proposal is for 46 dwellings and whilst above the number in the Neighbourhood Plan it is not considered to conflict with the Neighbourhood Plan per se, given the Forum's support for the site and previous built form of the site.

Annex 2 to Policy PNP1 sets out a detailed design guide. Annex 3 sets out a requirement for sustainable drainage. The Local Planning Authority in its representation on the Neighbourhood Plan has advised that the Annexes' criteria should be treated flexibly rather than setting rigid requirements, and any conflict with Annex 2 and 3 should be considered in this light. As there is due consideration being given to massing and design, tree retention and drainage, the proposal is not considered to conflict significantly with the Neighbourhood Plan.

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 applicant has been requested to provide detail in regard to the likely level of investment within Torbay as a result of the scheme. Details have not yet been submitted, however the scheme would no doubt present a number of construction jobs and the addition household income from occupants would add to the economy and would help to support local businesses through household expenditure. Members will be updated on any further information provided by the application in this regard.

S106/CIL and Affordable Housing -

Affordable Housing:

Policy H2 of the Torbay Local Plan identifies that as a brownfield site with a scheme of over 20 dwellings 20% affordable housing, usually provided on site, should be provided. For a scheme of 46 dwellings this equates to an affordable housing provision of 9 units in order to provide a policy compliant development.

The applicant has submitted a viability assessment that concludes that it is not viable to deliver any affordable housing. The submitted assessment is currently being independently assessed and Members will be updated on this issue.

The concept of viability is detailed within the Council's Adopted Affordable Housing Supplementary Planning Document (SPD) and hence if it is concluded that the scheme can afford to deliver Affordable Housing Members are advised that provision should be secured via a S106 Legal Agreement. Should it be concluded that the development cannot afford to deliver Affordable Housing then this should be accepted subject to a S106 Legal Agreement that includes a deferred obligations clause in-line with the Adopted SPD.

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 site is absent of buildings and hence the gross internal area in lawful use immediately preceding this grant of planning permission is zero.

The CIL liability for this development is £70 per square metre. The amount will be determined at Reserved Matters stage where the application will be CIL liable.

Based on the outline floor area indicated within the submitted CIL form that suggests that there would be 5141 sqm of liable floorspace the estimated CIL charge may be in the region of £359,870.00

S106:

As CIL liable development the application is not subject to "sustainable development" obligations as identified within the Council's Adopted Affordable Housing SPD and hence it is not appropriate to seek obligations to counter potential pressure upon schools or parks etc. Notwithstanding this "site acceptability" issues can and should still be sought where identified in order to provide necessary mitigation where it is needed to make the development acceptable in planning terms. In this instance the Highway Authority has raised concern over the additional pedestrian traffic in the immediate area and has cited concern on the safety of the junction near the south east corner of the site where Blatchcombe Road meets Southfield Road. There is scope to improve the junction for pedestrians with improved crossing facilities. The estimated cost for these works would be approximately £12,000 undertaken by a S278 Agreement. This can be secured via a planning condition attached to any grant of approval.

Subject to the points above the development is in accordance with Policies SS5, SS6, SS7, SS9, SS11 and H2 of the Local Plan and the Planning Contribution and Affordable Housing SPD.

EIA/HRA

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.

HRA:

The application site is not within a strategic flyway/sustenance zone associated with the South Hams SAC and a formal HRA screening is not necessary in this instance as the proposed development is unlikely to have a significant effect on the South Hams SAC.

The proposal presents a controlled discharge that mimics greenfield runoff rates into the Public Sewer, which will minimise impacts upon outfall flows and any potential impact up the marine candidate SAC, in-line with Policy ER2.

Proactive Working

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way. Revised plans have been submitted to overcome officer concerns in terms of amenity and size of the building. It is now concluded that the application is acceptable for planning approval with imposed conditions to enable the grant of planning permission.

Conclusions

The proposals are considered to accord with the provisions of the Torbay Local Plan 2012-2030 and all other material considerations, including the emerging Paignton Neighbourhood Plan, and hence the Officer recommendation is approval.

Conditions to include:

1. Prior to commencement of development a S278 Agreement will be entered into with the Highway Authority to secure improved crossing facilities for pedestrians at the junction of Blatchcombe Road with Southfield Road.
2. Submission of Reserved Matters relating to appearance, landscape, layout and scale.
3. The Reserved Matters shall include design measures and landscape measures to ensure against undue impact upon the amenity of neighbouring occupiers to the north and west through overlooking and loss of privacy.
4. The Reserved Matters shall include the provision of parking for the occupants of the building at a ratio of 1:1 plus an additional provision of visitor spaces to a ratio no less 0.13 spaces per flat. For the avoidance of doubt a Reserved Matters proposal shall provide no less than 52 car parking spaces. All spaces shall accord with the size and manoeuvring requirements as outlined within Appendix F of the Torbay Local Plan 2012-2030 and 10% of the spaces shall be designed to the disabled parking specification and 20% of the spaces shall be provided with electrical charging points.
5. The Reserved Matters shall include the detailed provision of covered, safe and secure cycle parking to a ratio no less than 1:1, and shall include a detailed design of any proposed storage mechanism (such as racks or hoops). The proposal shall also provide for adequate additional secure visitor cycle facilities.
6. Demolition and any vegetation removal required as part of the development should be undertaken outside of the bird nesting season (March to September inclusive) or under the supervision of a suitably qualified ecologist.
7. Development shall not take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority.
8. Development shall not take place until a Construction and Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority, which shall incorporate the measures to protect slow worms and other species as outlined within Paras 5.1 to 5.5 of the Submitted Ecological Report (EAD Ecology Technical Note; dated 13.10.2017).

9. The development shall proceed in accordance with the agreed surface water drainage strategy and detail to secure an appropriate controlled discharge to the Public Sewer in a designated Critical Drainage Area.
10. The submitted Travel Plan shall be implemented in full. Should the annual review show that the development is failing to secure a modal shift of 30% of potential users to sustainable modes of travel, additional measures, in discussion with the Local Planning Authority, shall be agreed and implemented.
11. A Landscape and ecological Management Plan (LEMP) shall be submitted and approved in order to secure appropriate landscape management and biodiversity enhancement post-construction.
12. All planting, seeding or turfing comprised in the approved details of landscaping Reserved Matters 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.
13. The Reserved Matters shall include the provision of waste storage for 1100L waste and recycling bins and food caddy units, in-line with Policy W1 of the Torbay Local Plan and aligned, in terms of scale and location, with the provision outlined within the submitted plans.
14. Prior to the commencement of development a full contaminated land survey shall be submitted to and approved in writing by the Local Planning Authority.
15. The development shall proceed in accordance with an agreed archaeological watching brief.
16. An external lighting scheme to be submitted and approved.

Relevant Policies

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