

Application Number

P/2012/0516

Site Address1 Southfield Road
Paignton
Devon
TQ3 2SL**Case Officer**

Matt Diamond

Ward

Clifton With Maidenway

Description

Extend time limit - Formation of 12 - 2 bedroom flats with pedestrian/vehicular access (revised scheme) application P/2009/0281/MPA

Executive Summary/Key Outcomes

The application is to extend the time to implement planning permission reference P/2009/0281/MPA for the formation of 12 no. 2 bedroom flats with pedestrian/vehicular access (revised scheme) by grant of a new permission for the development. The principle of the development was approved by the previous consent and there are no material considerations since then to justify refusing the application now, including consideration of the National Planning Policy Framework (NPPF). A new S106 Agreement is required to relate to the new application.

Recommendation

Approval; subject to conditions as detailed at the end of this report and completion of a S106 Agreement to secure contributions in line with the Council's Planning Contributions and Affordable Housing SPD Update 3.

Site Details

The site is an area of land within the curtilage of and to the west of the 11 flats at 1 Southfield Road, with Kirkham Court to the west and properties fronting Redburn Road to the north. The site is located within the Old Paignton Conservation Area.

Detailed Proposals

The proposal is to extend the time to implement planning permission reference P/2009/0281/MPA for the formation of 12 no. 2 bedroom flats with pedestrian/vehicular access (revised scheme) by grant of a new permission for the development. Planning permission reference P/2009/0281/MPA was a revision to planning permission reference P/2008/0560 to provide 12 no. 2 bedroom flats instead of 12 no. 1 bedroom flats.

Summary Of Consultation Responses

Senior Heritage & Design Officer: Previous considerations regarding the proposed design and the impact on the conservation area remain of relevance.

English Heritage: No response.

Summary Of Representations

At the time of writing no public representations have been received. 10 days remain of the 21 day consultation period and any representations received during this time will be reported at Committee.

Relevant Planning History

P/2004/0079: Erection of two houses on land off Colley End Road within the grounds of 1 Southfield Road. Refused 4/3/2004.

P/2004/1131: Planning application for the erection of 3 dwellings with altered access drive and pedestrian vehicular access within the grounds of 1 Southfield Road. Approved 26/8/2004.

P/2006/0490/PA: Erection of 12 one bedroom flats. Refused 15/1/2006.

P/2007/0007: Erection Of 12 No 1 Bedroom Flats With Pedestrian/Vehicular Access; Remedial Works To Existing Building. Refused 6/3/2007. This application was subsequently dismissed at appeal; however, the Inspector stated in his report that 'the scheme would enhance the character and appearance of the conservation area' and 'would provide adequate parking for residents and visitors to the site'.

P/2008/0560: Formation of 12 no. 1 bedroom flats with pedestrian/vehicular access. Approved 3/7/2008.

P/2009/0281: Formation of 12 no. 2 bedroom flats with pedestrian/vehicular access (revised scheme). Approved 12/6/2009.

Key Issues/Material Considerations

As the principle of the development was approved by planning permission reference P/2009/0281, the key issues are any development plan policies and material considerations that have changed significantly since the original grant of permission. As such, the key issue is the acceptability of the proposals taking into account the National Planning Policy Framework (NPPF), which was published March 2012.

The National Planning Policy Framework (NPPF) replaces previous national planning guidance in the form of Planning Policy Guidance Notes, Planning Policy Statements and various other documents. It is a material consideration in decision-taking and Local Plan policies have more weight the closer they are to the policies in the NPPF. At its core is a presumption in favour of sustainable

development meaning development proposals that accord with the development plan should be approved without delay and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.

Planning permission reference P/2009/0281 was approved taking into account the policies in the Local Plan. There are no policies in the NPPF that indicate the development should not be permitted or outweigh the relevant policies in the Local Plan.

With regard to housing applications, the NPPF states that they should be considered in the context of the presumption in favour of sustainable development (Para 49). In addition, a core principle of the NPPF is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; the land is not of high environmental value in this case. It is considered the proposal would not have a significant impact on the conservation area taking into account section 12 of the NPPF. It is considered 1:1 parking is appropriate taking into account paragraph 39 of the NPPF. Therefore, having considered the proposal against the NPPF, the scheme remains acceptable for planning approval.

S106/CIL -

In accordance with the Council's Planning Contributions and Affordable Housing SPD Update 3, the following contributions are required:

Waste Management	£ 600.00
Sustainable Transport	£15,168.00
Stronger Communities	£ 1,112.40
Lifelong Learning	£ 1,920.00
Greenspace	£ 6,553.00

The contribution towards waste management is justified in paragraph 2.18 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6) and will pay the cost of providing bins to the proposed dwellings. It also complies with Local Plan Policy W7.

The contribution towards sustainable transport is justified in paragraphs 4.12-4.24 of LDD6 and will be used towards the cost of improvements to local bus facilities within the vicinity of the site, including shelters and real time passenger information. The NPPF and Local Plan Policy T2 promote sustainable transport

modes. The proposed dwellings would generate additional trips and should therefore contribute toward sustainable transport in the area.

The contribution towards stronger communities is justified in paragraphs 4.31-4.35 of LDD6 and will be used towards the provision of a street warden in the area.

The contribution towards lifelong learning is justified in paragraphs 4.47-4.51 of LDD6 and will be used towards the cost of improving provision at Paignton Library, specifically provision of Wi-Fi. The proposed dwellings would place additional demand on the services provided by Paignton Library and the contribution will ensure these services are provided with funding to mitigate the proposed development.

The contribution towards greenspace is justified in paragraphs 4.52-4.58 of LDD6 and will be used towards improving maintenance, management and equipment at Victoria Park. The proposed dwellings would place additional demand on the facilities at the park and the contribution will provide funding to mitigate the proposed development.

A Section 106 Agreement was signed in relation to planning permission reference P/2009/0281; however, a new agreement will need to be prepared to relate to the current application and take into account the contributions above. The applicant has agreed to these contributions and to pay the Council's legal costs for drafting the new agreement.

Conclusions

The principle of the development was approved by planning permission reference P/2009/0281 and there are no material considerations since then that would justify refusing the application now. This includes consideration of the National Planning Policy Framework (NPPF). A new Section 106 Agreement is required to relate to this application.

Condition(s)/Reason(s)

01. No development shall take place within the area indicated until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved by the Local Planning Authority in writing.

Reason: To ensure that archaeological remains are preserved and/or recorded in accordance with Section 12 of the NPPF and policy BE9 of the saved adopted Torbay Local Plan (1995-2011).

02. The development, hereby approved, shall not be commenced until details

of colour, type and texture of all external materials, including hard-surfaced areas, to be used in the construction of the proposed development have been submitted to and approved by the Local Planning Authority in writing.

Reason: To ensure a satisfactory form of development and in order that the development complies with policies BES, BE1 and BE5 of the saved adopted Torbay Local Plan (1995-2011).

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

- (i) eaves overhang;
- (ii) rain water goods;
- (iii) reveals, frame thicknesses, glazing bars and types of opening to windows/doors;
- (iv) sub cills;
- (v) slating/tiling;
- (vi) handrails.

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

Reason: To ensure that the architectural detailing of the development is completed to a satisfactory standard in accordance with policies BES, BE1 and BE5 of the saved adopted Torbay Local Plan (1995-2011).

04. No development shall be commenced until details of the proposed roof slate have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development, in accordance with policies BES, BE1 and BE5 of the saved adopted Torbay Local Plan (1995-2011).

05. The building shall not be occupied until the vehicular access has been constructed in accordance with the plans hereby approved.

Reason: In the interests of highway safety and to ensure that the development is acceptable in terms of accessibility to comply with policy T26 of the saved adopted Torbay Local Plan (1995-2011).

06. The development shall not be used/occupied until the vehicle parking and turning areas shown on approved detailed plans have been provided and made available for use. These areas shall be so retained for these purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate off-street parking is provided in accordance with policy T25 of the saved adopted Torbay Local Plan (1995-2011).

07. Prior to the occupation of the residential units, hereby approved, detailed plans of 12 secure and covered cycle parking areas to serve the units shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking areas shall then be completed and made available for use prior to the occupation of the units and shall be so retained thereafter at all times to serve the development.

Reason: To secure the appropriate provision of cycle parking facilities to serve the development, to promote and enable the use of sustainable methods of transportation, in accordance with the terms and objectives of policies TS, T1, T2 and T25 of the adopted Torbay Local Plan 1995-2011.

08. Prior to the commencement of the development details of the proposed design of the refuse and recycling storage areas to serve the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage areas shall be completed and made available for use prior to the occupation of any of the dwellings and shall be retained thereafter at all times to serve the development.

Reason: To ensure that there is a satisfactory refuse and recycling strategy for the residential development to protect the visual amenities of the area and the residential amenities of the neighbouring occupiers. In accordance with the objectives of policies W7, HS, H2, H9, BES and BE1 of the adopted Torbay Local Plan (1995-2011).

09. The development, hereby approved, shall not be commenced until details of all proposed boundary walls and fences have been submitted to and approved by the Local Planning Authority. The dwelling(s) shall not be occupied until these have been provided in accordance with the approved details.

Reason: In the interests of the amenities of the area and to accord with policies BES, BE1 and BE5 of the saved adopted Torbay Local Plan (1995-2011).

10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all proposed and existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interest of the amenities of the area and in accordance with policies BES, BE1, BE2 and BE5 of the saved adopted Torbay Local Plan (1995-2011).

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenities of the area and in accordance with policies BES, BE1, BE2 and BE5 of the saved adopted Torbay Local Plan (1995-2011).

12. Prior to the commencement of the development a detailed tree protection plan (TPP) shall be submitted to and agreed in writing by the Local Planning Authority. The agreed TPP shall show how the existing tree to the front of the proposed building will be retained during construction. The TPP shall include a tree protection area and tree protection methodology with details of a no dig area and protective fencing to the relevant British Standard. The development shall then be carried out in strict accordance with the agreed TPP.

Reason: To ensure that the existing tree is adequately protected while development is in progress, in accordance with Policy L9 of the saved adopted Torbay Local Plan (1995-2011).

13. Prior to the commencement of the development, full details of the means of disposing of storm water shall be submitted to and agreed in writing with the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the drainage scheme shall incorporate a sustainable urban drainage system such as a soakaway. Such system as may be approved shall be installed prior to the occupation of the development and the system shall be maintained effective at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to reduce surface water run-off and to accord with the requirements of Section 10 paragraphs 94 and 99-104 of the NPPF in respect of sustainable drainage.

Informative(s)

01. This application is accompanied by a Section 106 Legal Agreement.

Relevant Policies

- H2 New housing on unidentified sites
- H9 Layout, and design and community aspects
- H10 Housing densities
- CF6 Community infrastructure contributions
- BES Built environment strategy
- BE1 Design of new development
- BE2 Landscaping and design
- BE5 Policy in conservation areas
- T25 Car parking in new development
- T26 Access from development on to the highway