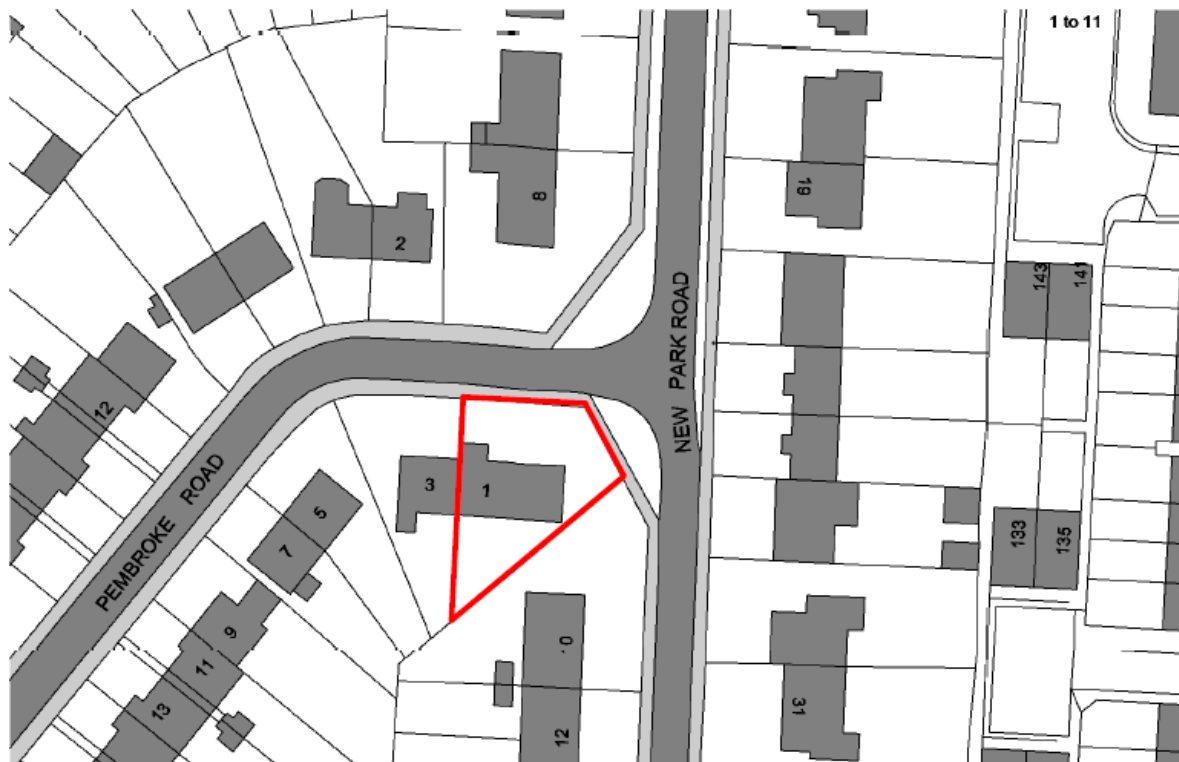


Application Site Address	1 Pembroke Road Paignton TQ3 3UR
Proposal	Demolition of existing garage and the formation of two-storey, two-bedroom dwelling.
Application Number	P/2019/1083
Applicant	Mr Byron Kay
Agent	Mr Simon Blake
Date Application Valid	11/10/2019
Decision Due date	06/12/2019
Extension of Time Date	13/12/2019
Recommendation	That planning permission is granted, subject to the conditions detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director of Planning and Transport.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee due to the number of objections that have been received.
Planning Case Officer	Emily Elliott

Location Plan:



Site Details

The site, 1 Pembroke Road, Paignton, comprises a semi-detached dwelling and its associated domestic curtilage. No.1 Pembroke Road is attached to the eastern elevation of the neighbouring dwelling No.3 Pembroke Road. The site area is 315 square metres in area. The site currently has vehicular and pedestrian access and a large single storey garage is attached to the existing dwelling. The site levels are sloping, with the proposed dwelling being on slightly lower ground in relation to No.1 Pembroke Road, Paignton. The site forms part of the built up area, but is not otherwise subject to any designations within the Torbay Local Plan.

Description of Development

The proposal seeks the demolition of the existing single storey garage and the erection of a two storey, two-bedroom dwelling with associated parking and amenity space. The proposed dwelling would include an open living space and cloakroom to the ground floor, and two bedrooms and a bathroom to the first floor. The footprint of the proposed dwelling is approximately 47 square metres, leaving the remainder of the curtilage for outdoor amenity space and an off-street parking provision.

The proposed dwelling would be accessed through the southern side of Pembroke Road. The proposal includes two off-street parking spaces for both the proposed and the existing dwellings. The proposal also includes bin storage.

The external materials for the proposed dwelling would comprise the following finishes: walls of white painted render; roof of concrete tiles to match the existing, and; windows and doors of white uPVC to match the existing.

Pre-Application Enquiry

None.

Relevant Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Adopted Paignton Neighbourhood Plan 2012-2030

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the

following advice and representations, planning history, and other matters referred to in this report:

Relevant Planning History

P/2019/0813: Demolition of existing garage & formation of two-storey dwelling. Refused 06/09/2019.

1. The proposed development would result in an inadequate level of off-street car parking provision. The proposal would therefore exacerbate the existing parking issues in the area resulting in a poor form of development, with a resulting harmful effect on highway safety. As such, the proposal is contrary to Policy TA3 of the Torbay Local Plan.

P/2019/0244: Conversion of existing single storey garage to two bedroom dwelling (Resubmission of P/2019/0013). Refused 23/04/2019.

1. There is insufficient information available to properly determine the acceptability of the proposal's vehicle parking and manoeuvring arrangements, and therefore whether the proposal would be in accordance with Policies TA2 and TA3 of the Torbay Local Plan.
2. The proposed development would provide a poor quality residential environment by reason of the area of internal living space that would be available to future occupiers, which is below that required by Policy DE3 of the Torbay Local Plan. The proposal also fails to provide the minimum 55 square metres of useable outdoor amenity space, which would be sufficiently accessible and private. In light of these deficiencies, it is considered that the proposal would result in an inadequate standard of living accommodation, contrary to Policy DE3 of the Torbay Local Plan.
3. The proposal would result in the over-development of a constrained site, evidenced by the contrived parking and amenity space arrangements. The proposal would result in a crowded form of development, which would be harmful to the character of the area. As such, the proposal is contrary to Policy DE1 of the Torbay Local Plan.

P/2019/0013: Conversion of existing single storey garage to three bedroom dwelling. Withdrawn 19/02/2019.

P/1998/1852: Erection of Garage and Porch. Approved 16/12/1998.

Summary of Representations

32 letters of objection have been received.

A summary of the concerns raised in objection include:

- Not in keeping with local area
- Residential amenity
- Sets a precedent

- Traffic and access
- Overdevelopment
- Impact on local area
- Drainage
- Noise

Summary of Consultation Responses

South West Water:

South West Water has no objection subject to surface water being managed by means of a soakaway as proposed in the Flood Risk Assessment.

Should it be subsequently determined that soakaway drainage is not possible details of any proposal to connect surface water to the public sewer will be required for approval.

Torbay Council's Senior Tree and Landscape Officer:

Having reviewed the above application I can confirm that no further arboricultural input is required. The only concern is shading from the off-site trees and shrubs to the south in the adjacent property. However, the orientation of the building is such that the main living areas are away from the rear of the property.

Torbay Council's Senior Strategy and Project Delivery Officer:

The Highways Standing Advice applies for this proposal. Although existing the access would be extended and intensified. Would the proposed fencing height affect visibility? There are swept paths supplied - presumably parking restrictions would be needed opposite the driveway with consequential loss of on-street parking?

Electric Vehicle Charging facilities and Cycle Storage is not shown. Local Plan Policies TA1, TA2 and TA3 relate. The attached Design and Access Statement states 'Secure cycle locking points will be provided to encourage the use of a sustainable form of transport and to make the occupants less dependent on vehicles'. To align with the Development Plan secure, convenient and covered cycle storage is required.

Torbay Council's Highways Engineer:

No response received.

Paignton Neighbourhood Forum:

No response received.

Key Issues/Material Considerations

1. Principle of Development
2. Impact on Visual Amenity
3. Impact on Residential Amenity

4. Impact on Highway Safety
5. Ecology and Biodiversity
6. Flood Risk and Drainage

Planning Officer Assessment

1. Principle of Development

The proposal is for the demolition of the existing garage and the formation of two-storey two-bedroom dwelling within the curtilage of an existing dwellinghouse.

Policy H1 of the Local Plan 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 Local Plan. It is noted that the Council is currently falling short of its 5-year housing land supply and that the proposal would make a small contribution to this shortfall being addressed. The proposal would therefore comply with Policy H1 of the Local Plan. There are no Development Plan policies indicating that the proposal is not acceptable in principle.

2. Impact on Visual Amenity

Paragraph 124 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 130 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'. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy PNP1(c) of the Paignton Neighbourhood Plan states that development proposals should where possible and appropriate to the scale and size of the proposal to be in keeping with the surroundings respecting scale, design, height, density, landscaping, use and colour of local materials.

The proposal seeks to demolish the existing single storey garage and erect a two-storey, two-bedroom dwelling with associated parking and amenity space. The proposed dwelling would include an open living space and cloakroom to the ground floor, and two bedrooms and a bathroom to the first floor. The footprint of the proposed dwelling is approximately 47 square metres, leaving the remainder of the curtilage for outdoor amenity space and an off-street parking provision. The materials for the proposed dwelling would comprise the following: the walls are proposed to be white painted render; the roof is proposed to be concrete tiles to match the existing; and the openings are proposed to be white uPVC to match the existing.

Objectors have raised concerns that the proposed development: represents overdevelopment; is not in keeping with the local area; sets a precedent, and; it would have a negative impact on the local area. It is considered that the proposal would not

have a detrimental impact on the existing street scene as the proposed dwelling has a similar appearance and characteristics to that the existing dwellings sited on Pembroke Road.

The relationship of the proposed siting of the new dwelling to existing dwellings, within the context of the street scene, is considered to be acceptable. In terms of the scale of the proposed footprint of the new dwelling adequate outside space is retained for both the proposal and No.1 Pembroke Road. The overall footprint is considered to be consistent with the urban grain of the area and without detriment to the character and appearance of the locality. The general scale of development is considered commensurate with the locality when considering the mix of dwellings in the area. It is considered that there is scope for a dwelling within the plot which will assist in the provision of new housing in a sustainable location.

It should be noted that the site slopes to the east, however it is considered that the proposal positively addresses the topography and provides a dwelling of a reasonable size, scale and massing. The existing plot will be subdivided, however it is considered acceptable due to the current plot size as an adequate level of external space will be provided around both the proposed and existing dwelling.

When considering the design of the proposed dwelling, regard must be given to the surrounding street scene, the proposed dwelling would maintain a similar appearance of the surrounding dwellings. It is considered that: the proposed scale and massing, respects the context of the area, and as such the proposal is considered to be acceptable in terms of design and impact on the street scene; given the site area and the footprint of the dwelling, the site can accommodate the proposal, and there would not be a resulting overdevelopment of the site; the proposal would suit the existing street scene, in terms of design, external finish and roof type. Therefore, it is considered that the design, size and scale of the proposed dwelling is acceptable.

The proposal does not include any landscaping details, therefore a requirement to submit a landscaping scheme is therefore recommended alongside conditions relating to proposed external materials and details of boundary treatment.

Given the siting, scale, and design of the proposal it is considered that the proposal would not result in unacceptable harm to the character or visual amenities of the locality.

Subject to the aforementioned planning conditions, the proposal is considered acceptable in relation to Policy DE1 of the Local Plan, Policy PNP1(c) of the Paignton Neighbourhood Plan and the guidance contained in the NPPF.

3. Impact on Residential Amenity

Policy DE3 of the Local Plan which relates to development amenity requires that new

residential units provide adequate floor space in order to achieve a pleasant and healthy environment. Provision of useable amenity space, including gardens and outdoor amenity area should be provided with a guidance of 55 square metres for new dwellings.

Internal floor standards are set out from the DCLG technical housing standards document. This states the minimum internal floor space which should be provided and gives guidance on the minimum floor area. The minimum internal floor spaces set out by this guidance and reflected in Policy DE3 shows that a minimum floor space of 70 square metres is required for a two-bedroom, three-bed spaces, two-storey dwelling. The proposed dwelling has an internal floor space of approximately 73 square metres, which exceeds the minimum standards. The submitted plans indicate an outdoor area to be retained for the existing dwelling of 60 square metres. The proposed dwelling's amenity space is subdivided into two areas, which would not be connected, which have a combined area of 62 square metres. The proposed and retained amenity areas would comply with the criteria stated in Policy DE3 of the Local Plan.

Each of the habitable rooms proposed within the dwelling are served by sufficient window openings to allow for sufficient outlook and light and as such is considered to offer a good standard of internal amenity for future occupiers.

Policy DE3 of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity. Objectors have raised concerns in terms of noise and residential amenity. The distances between the proposed dwelling and adjacent dwellings are considered acceptable and would not have a detrimental impact upon the occupiers of these dwellings given the substantive distances.

A construction method statement will be recommended as a condition to ensure that the construction works are undertaken in a manner that is not injurious to local amenity, this will mitigate any concerns raised regarding noise.

Given its siting, scale, and design, it is considered that the proposal would not result in any unacceptable harm to the amenities of neighbours, in terms of their outlook, access to light, and privacy. The proposal is considered to be in accordance with Policy DE3 of the Local Plan.

4. Impact on Highway Safety

Policy TA1 sets out promoting improvements to road safety. Policy TA2 of the Local Plan states all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 of the Local Plan details that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development. Policy DE3 of the Local Plan specifies that new development proposals should have satisfactory provision for off-road motor

vehicle parking, bicycles and storage of containers for waste and recycling. Policy PNP1(d) of the Paignton Neighbourhood Plan states that new residential development should aim to achieve where appropriate and subject to viability space for solid waste storage within the curtilage and purpose designed cycle parking space that is covered, safe and convenient.

Objectors have raised concerns regarding traffic and access in relation to the proposed development, mainly having regard to the loss of on-street parking. Taking account of the Standing Advice for Minor Development Applications', the access is existing and would be extended to accommodate the traffic associated with the additional dwelling. A number of dwellings on Pembroke Road and New Park Road have existing areas of hardstanding, it is considered that given the existing vehicle crossover, the proposal to extend this would result in the loss of one on-street parking space. The extended vehicle crossover and new vehicular hardstanding would create a further two off-street car parking spaces in replacement of the loss of one on-street parking space. This is considered acceptable and would not cause any significant harm to highway safety. Suitable visibility at the point of access will form part of the future consideration of proposed boundary treatments.

The proposal provides adequate off-street parking provision for two vehicles for both the existing and proposed dwellings. The parking space size requirements are set out in Policy TA3 and Appendix F of the Local Plan with off-street parking spaces that abut the public highway requiring 3.2 metres by 5.5 metres, and when there are two combined spaces the dimensions required are 5.6 metres by 5.5 metres. The proposed parking area measures some 5.7 metres by 5.6 metres for the proposed dwelling and 5.7 metres by 6 metres for the existing dwelling. The proposal would therefore comply with Policy TA3 and Appendix F of the Local Plan. The proposed layout indicates bin storage for the proposed dwelling, but does not indicate any bicycle storage nor electric charging point, planning conditions to secure these items is considered sufficient.

Conditions are recommended to secure the bicycle storage, refuse storage, an electric charging point and the implementation of the proposed parking provision. An informative can be employed to bring to the applicant's attention the requirement that a licence be sought for works within the highway. Subject to the aforementioned planning conditions, it is considered that the proposed development complies with Policies TA1, TA2 and TA3 of the Local Plan and Policy PNP1(d) of the Paignton Neighbourhood Plan.

5. Ecology and Biodiversity

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale. The application is supported by a Preliminary Ecological Assessment. The report findings stated that

there was no evidence of bats or breeding birds. No further surveys are required. The proposal therefore complies with Policy NC1 of the Local Plan.

Policy C4 of the Local Plan states that development will not be permitted when it would seriously harm, either directly or indirectly, protected trees or veteran trees, hedgerows, ancient woodlands or other natural features of significant landscape, historic or nature conservation value. Policy C4 goes on to state that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity role. The proposed development is considered in accordance with Policy C4 of the Local Plan.

6. Flood Risk and Drainage

Policy ER1 Flood Risk of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere. Policy PNP1(i) Surface Water of the Paignton Neighbourhood Plan states that developments will be required to comply with all relevant drainage and flood risk policy.

The site is located within the Critical Drainage Area and the application is accompanied by a Flood Risk Assessment. Objectors have raised concerns with regards to drainage. South West Water raise no objection to the proposed development and means of drainage. Given the nature of the proposal being in excess of 20 square metres, the intended means of surface water drainage are considered acceptable having regard to the adopted Standing Advice.

A condition will be imposed to secure acceptable surface water drainage arrangements and, subject to its use, the proposal will be in accordance with Policy ER1 of the Local Plan and Policy PNP1(c) of the Paignton Neighbourhood Plan.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The proposal will include bicycle storage, and the proposed development is in a sustainable location inasmuch as it would be located on land that utilises previously developed land within the existing urban area.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8. 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 Act 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

S106:

Not applicable.

CIL:

The CIL liability for this development is Nil.

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:

Not applicable.

Planning Balance

In its favour the proposal will provide an additional dwelling, which meets the required residential space and parking standards in a sustainable location where development plan policy supports the principle of the development. The report gives consideration to the issues raised in the objections received and concludes that these are not of sufficient weight to warrant the refusal of the application and as such it is concluded that the planning balance is in favour of supporting this proposal.

Conclusions and Reasons for Decision

The proposal is: acceptable in principle; would not result in unacceptable harm to the character of the area, or local amenity; would provide an adequate standard of living accommodation, and; provide acceptable arrangements in relation to access, flood risk, and ecological constraints. The proposed development is therefore considered acceptable, having regard to the Development Plan, and all other material considerations.

Officer Recommendation

That planning permission is granted, subject to the conditions detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director of Planning and Transport.

Conditions

Materials

The dwelling hereby approved shall not be occupied or brought into use until the materials detailed on the plan referenced "Proposed Various" (plan reference "3995-11 B" received 11th October 2019), shall be provided in full and retained for the life of the development.

Reason: In the interest of visual amenity and in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030.

Bicycle Storage

Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of bicycles according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once provided, the agreed storage arrangements shall be retained for the life of the development.

Reason: To ensure adequate parking facilities are provided to serve the development in accordance with Policies TA2 Development Access and TA3 Parking Requirements of the Adopted Torbay Local Plan 2012-2030.

Refuse Storage

Prior to the first occupation of the development hereby permitted, the approved refuse storage on plan reference "3995-11 B" received 10th October 2019, shall be provided in full and retained for the life of the development.

Reason: In interests of visual amenity and in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030.

Parking Provision

The dwelling hereby approved shall not be occupied or brought into use until the parking spaces detailed on the plan referenced "Proposed Various" (plan reference "3995-11 B" received 11th October 2019) have been provided. These elements shall thereafter be retained for the use of the associated dwelling for the life of the development.

Reason: In accordance with highway safety and amenity, and in accordance with Policy TA3 of the Adopted Torbay Local Plan 2012-2030.

Construction Method Statement

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works, with priority given to reuse of building materials on site wherever practicable.
- h) Measures to minimise noise nuisance to neighbours from plant and machinery.
- i) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: This information is required prior to commencement to safeguard the amenity of the locality in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

Landscaping

Prior to the first occupation of the development hereby permitted, provision shall be made for hard and soft landscaping according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species. The approved hard landscaping details shall be provided within four weeks of the development being brought into use, and shall be retained for the life of the development.

Reason: In the interests of visual amenity and in accordance with Policy DE1 Design of the Adopted Torbay Local Plan 2012-2030.

Boundary Treatment

Prior to the first occupation of the development hereby permitted, a scheme of boundary treatment shall be fully installed in accordance with details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once provided, the agreed boundary treatment shall be retained for the life of the development.

Reason: To secure an appropriate form of development in accordance with Policies C4, DE1, DE3, HE1 and SS10 of the Torbay Local Plan 2012-2030.

Permitted Development Rights

Notwithstanding the provisions of Classes A to E of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no enlargements, improvements or other alteration shall take place to either the proposed or existing dwellings within the application site, and no outbuildings or other means of enclosures shall be erected within the garden areas of these dwelling houses, with the exception of one ancillary structure each up to 10 cubic metres in volume, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In interests of visual and local amenity and in accordance with Policies DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030.

Flood Risk Assessment

In accordance with the submitted flood risk assessment received 11th October 2019, surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 40% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with Policies ER1 and ER2 of the Adopted Torbay Local Plan 2012-2030 and the guidance contained in the NPPF.

Informative(s)

01. For the avoidance of doubt, any works to be undertaken within the public highway will require the separate consent of the Highway Authority.

02. Responsibilities of the applicant / developer:

All bats are protected by law. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Where works are to involve cutting or clearance of shrubs, hedges or other vegetation, which can form nesting sites for birds, such operations should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any year). Schemes must be in place to avoid threat of killing or injuring reptiles, such as slow worms. Slow worms may shelter beneath vegetation as well as among any stored or discarded sheeting, building and other materials. Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

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

Relevant Policies

C4 – Trees, Hedgerows and Natural Landscape Features

DE1 – Design

DE3 – Development Amenity

ER1 – Flood Risk

ER2 – Water Management

H1 – Applications for New Homes

NC1 – Biodiversity and Geodiversity

SS3 – Presumption in Favour of Sustainable Development

TA1 – Transport and Accessibility

TA2 – Development Access

TA3 – Parking Requirements

PNP1(c) – Design Principles

PNP1(d) – Residential Development