



Application Site Address	3 Keysfield Road, Paignton, TQ4 6EP
Proposal	Outline application for partial demolition (rear wing) and the conversion and extension of the existing building to form 10 apartments (Access, Layout, Scale and Appearance Detailed, and Landscaping Reserved).
Application Number	P/2020/0222
Applicant	Chace Construction
Agent	Oliver Green Partnership
Date Application Valid	28.02.2020
Decision Due date	29.05.2020
Extension of Time Date	N/A
Recommendation	Approval
Reason for Referral to Planning Committee	Major development
Planning Case Officer	Scott Jones

Location Plan –



Site Details

The site sits on the northern side of Keysfield Road in the largely residential area of Roundham in Paignton. The plot is spacious and tree-lined and holds a large detached Victorian Villa dating from 1870-1915. The Villa and plot is in poor repair and it appears inhabitable and shows external evidence of fire damage. The plot in general is unkempt.

The Villa is somewhat typical of its time with smooth stucco-rendered walls under a slate multi-pitched roof with some pleasant quoin, banding and window surround detail. The window stock is incomplete with some windows bordered and those that are visible are a mixture of timber sliding sash and more modern replacements.

The Villa sits towards the western side of the plot with a substantial garden setting to the north and east of the building. In terms of access there are two vehicular access points that punctuate the front boundary wall onto Keysfield Road.

In terms of context there is a mixture of Victorian and latter 20th Century development within the immediate surrounds, with a number of plots providing flatted residential uses, some of which are holiday uses.

In regard to designations the plot sits within the Roundham and Paignton Harbour Conservation Area and is highlighted as a *Key Building of architectural importance or which make a significant contribution to the townscape* within the Conservation Area Character Appraisal. There is also an Area Tree Preservation Order (Ref 1974:14) that covers the site.

In terms of further designations the site is within a Critical Drainage Area that covers most of Torbay.

Description of Development

The application is submitted in Outline however the proposal seeks detailed approval of all matters (Access, Layout, Scale and Appearance) except Landscaping, which is proposed to be sought through a subsequent reserved matters application should planning permission be granted. The application is hence substantially detailed for an outline application and principally seeks the conversion of and extension to the Villa to provide 10 apartments.

In regard to detail the proposal seeks to retain the existing Villa with some minor demolition in terms of the removing an existing two-storey flat-roofed rear wing in order to principally provide two apartments, one on each floor. In place of the removed rear wing a large linear east-west extension is also proposed that extends beyond the side building lines of the current Villa. The rear extension is approximately 34m wide by 9m deep and will provide accommodation on three floors. The form of the extension is simple and modern with a rendered finish under a flat roof, with a height closely aligned to the eaves high of the retained Villa. The rear building line is stepped to provide terraces for the upper floor units.

In regard to the proposed accommodation the scheme seeks to deliver 4x3-bed units and 6x 2-bed units, ranging from 61sqm to 136sqm in terms of internal floor areas.

Following the receipt of revised plans the proposal seeks to provide 16 car parking spaces to serve the development, which includes 2 disabled spaces. The amendments also reduce the number of access points from 2 to 1 with the eastern access point retained and widened slightly to 5m. In regarding to supporting elements the revised layout presents a detached cycle and waste store to the east of the proposed parking court.

The revised layout secures the retention of trees along the border with Keysfield Road and to the east of the Villa.

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 "TLP")
- The Paignton Neighbourhood Plan (the "PNP")

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

Pre-Application:

Recent pre-application in 2018 that raised concerns over the removal of the Villa and the resultant amount of development being proposed.

There have also been a number of previous pre-applications within the past 15 years that have sought to remove the Villa and regenerate for residential purposes. The pre-applications were generally not supported.

Applications:

P/2019/0738: Outline application for the demolition of the existing building and formation of up to 24 apartments with parking, with all matters reserved except for access. Withdrawn following extensive officer discussions and concerns raised.

Summary of Representations

A total of 6 public representations received, with comments copied as below:

'I completely support these excellent plans. The new development will fit nicely into the local area and enhance the road. It will be a great relief to finally rid the neighbourhood of the existing building which is a total eyesore.'

'This site has been an eyesore in this pleasant area for many years. I would urge the Members of the Committee to visit the site and see for themselves its' appalling state. I thoroughly support the current application and look forward to seeing a start as soon as possible.'

'I have lived here for thirteen years. The previous owner has allowed the property to deteriorate continuously. There has been antisocial behaviour by the many occupants over thirteen years plus. This has blighted the lives of all who live in this area for far too long. I support this application and hope for fast track approval by the council.'

'This development will be a great improvement and a real asset to the area. After having lived next door to this property for nearly 3 years and endured rubbish in the property set alight on numerous occasions I welcome the prospect of it being developed with open arms. Please do not reject the plans this time.'

'No objections the quicker this eyesore and health risk is developed the better. But contractor vehicles must not be allowed to park on Keysfield Road car parking facilities need to be made for them on site before development starts.'

'Another Outline Application, we wait to see a full planning Application, hopefully not just a flat roofed extension.'

Summary of Consultation Responses

Paignton Neighbourhood Forum: No comment provided.

Strategic Transport incorporating the views of the Highway Authority: No comment provided from strategic transport officer. Informal views of the Highway Authority include (a) The existing access is not wide enough, where an access serves more than one unit, adequate width to pass two vehicles should be secured. A minimum width of 5.0 metres over a minimum of 6.0 metre length is recommended, (b) The waste vehicle should not have to travel more than 10m to pick up the waste, it may be more viable to pick up the waste through a gap in the wall from the road with the waste storage area just behind the wall on the property side, (c) Some of the parking spaces should be 3.2m next to Retaining walls.

Torbay Council Drainage Engineer: No objections on drainage grounds to planning permission being granted following the receipt of the site specific flood risk assessment addendum report dated 6th April 2020 and the accompanying surface water drainage layout drawing, number AT2400 01 revision A and the surface water drainage hydraulic design included within the addendum to the site specific flood risk assessment.

Torbay Council Interim Heritage Officer: Verbal advice that the revised proposal, which now retains and refurbishes rather than simply demolishes, the existing Villa is

welcomed. In addition the greater depth of information now provided, with only landscaping reserved, provided an adequate level of certainty in order to make a robust decision in terms of impact on heritage assets. The context of the Conservation Area the proposal will secure much needed work to the existing Villa, however the substantial extension will present some degree of harm to the heritage asset. The level of harm is however considered less than substantial and should be weighed against the broader merits of the proposal.

Torbay Council Community Safety Team: Confirm no objection to the above planning application.

Torbay Council Arboricultural Officer: Satisfactory proposal following the receipt of revised plans that seek to retain the mature trees along the street frontage and to the east of the building. Recommend a pre-commencement condition for the submission of the Arboricultural Method Statements plus any other boundary treatment works. It should be that the arboricultural supervision (including a pre-commencement meeting between the operative and the arb consultant) of the site is accommodated within the AMS and would be worth highlighting this to the developer to ensure that it is included. The revised submitted Tree Protection Plan and Tree Report is suitable.

South West Water: No comment provided.

Police Designing Out Crime Officer: The police raise no objections to the new proposal at this stage and appreciate the level of reference to Designing out Crime in the Design and Access Statement (DAS), with many important factors having been considered and implemented in the design and layout of the proposed. However the DAS appears that it has not been amended to reflect the new proposed changes.

Key Issues/Material Considerations

Planning Officer Assessment

1. Principle of Residential Development
2. Design and Visual Impact
3. Residential Amenity.
4. Parking, Movement and Impact on Highway Safety.
5. Ecology and Biodiversity
6. Drainage and Flood Risk

1. Principle of Residential Development

In terms of the principle of a residential use policy H1 of the Local Plan states that proposals for new homes within the built-up area (as is the case in this instance) will be supported subject to consistency with other policies in the Local Plan. In addition the principle of development 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, and SS13 (five year housing land

supply).

In terms of the Neighbourhood Plan policy PNP1 includes that development proposals will be supported which provide housing growth appropriate to meet local needs and the strategic needs set out in the Torbay Local Plan 2015 (c), which bring back into use existing homes that have been vacant for 6 months or more (d), and provide additional homes by the conversions of existing buildings, more efficient use of vacant buildings in all use classes, self-build; and community-led housing enterprises wherever possible (e).

In terms of national policy guidance the principle of the proposal is aligned with 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 light of the broad aspirations of the Development Plan policies cited above the principle of residential use on the site is considered acceptable, subject to wider policy considerations that are relevant. It is noted that the site is well located for housing as it is in a sustainable location that has good access to shops and other services, transport links and recreational areas, within an area that already has a residential character. This context supports the principle of a residential use being acceptable.

2. Design and Visual Impact (including heritage considerations)

The site is located within the Roundham and Paignton Harbour Conservation Area and the Conservation Area Character Appraisal identifies the Villa as a key building of architectural importance or which makes a significant contribution to the townscape. The street-facing boundary wall is also highlighted as a prominent wall and the Villa's main elevations (front and sides) are highlighted as largely unspoilt frontages retaining significant period detail, although obviously there has been some deterioration of the buildings' condition since the appraisal was undertaken.

Policy SS10 of the Local Plan requires development to sustain and enhance assets which make an important contribution to Torbay's built and natural setting, and furthers that all heritage assets should be conserved, proportionate to their importance. Policy DE1 seeks development to be well designed, respecting and enhancing Torbay's special qualities and the character of the natural built environment including areas and buildings of historic interest.

The policies cited above are aligned with guidance contained within the NPPF which promotes good design and also seeks local planning authorities in decision making to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

In the context it is important to consider whether the form of development would sit comfortably in its surrounds and would not adversely affect the character and qualities

of the Conservation Area, whilst also taking the opportunities to better reveal the significance of the heritage asset, as outlined within the NPPF.

In regard to the works relating to the existing Villa the removal of the flat-roofed rear wing is not considered harmful. As the Villa is clearly in poor repair works to enhance and bring it back into a habitable state are welcomed and such works would be a positive step that, if correctly detailed, would clearly enhance the Villa's contribution to the townscape and the Conservation Area in which it sits. The proposed windows appear to be sliding sash in operation, which is supported, but it is equally appropriate that the replacement windows are duly detailed in terms of materials and detailed design, including fitting. As the proposals do not present clarity on certain aspects of the detailed treatment of the Villa it is recommended that the planning condition is attached to secure appropriate detail on windows and doors and any other minor necessary material changes.

In regard to the rear extension its' scale is substantial and there is some concern on the visual impact, however it is set deep within the plot some distance from the only apparent immediate public view along Keysfield Road. This lessens any concern in terms of its bulk and massing. In addition it is considered that the Villa would naturally act as a partial screen and visual break to the extension, reducing the apparent bulk and massing where the extension would not be visible in its entirety from Keysfield Road. Away from Keysfield Road there are no apparent public views from the nearby roads to the north. In regard to design the flat roof ceases at the eaves height of the Villa and hence maintains the integrity of the period buildings' roof form. The use of a flat roof also limits the bulk and presents a clear delineation between 'old' and 'new'. Below the elevation treatment presents a clean rendered finish which aligns well with the Villa. The fenestration is more modern than the sash windows proposed within the Villa but importantly the form does present a vertical emphasis, which aligns with the character of openings within with Villa. Banding is also proposed which echoes the Victorian detail of between floors. All matters considered the rear extension is suitably considered in terms of design.

In regard to ancillary development the proposed layout presents a parking court to the front and retains a garden setting to the sides and rear. This is aided by positive discussions between officers and the agent that has secured amendments that secure the retention of mature trees along the Keysfield Road border and within the eastern part of the site. In regard to public views the proposed layout retains a sufficiently verdant setting for the period building. The proposed outbuilding to provide waste and cycle facilities is appropriately located and scaled in order to sit comfortably within the site. Indicative plans show a timber clad flat roofed structure and this presents the basis of an acceptable detail. It is recommended that a planning condition is attached to secure appropriate materials for this building. The removal of the semi-derelict outbuilding to western edge of the site is a positive step. Finally the front border is to be retained which is important as a defined 'prominent wall' within the Conservation Area Character Appraisal. As works are proposed to close one entrance and widen another due detail should be secured by condition in terms of matching materials and finishing detail, including the re positioning of the piers.

When considering the proposal as a whole the scheme is considered well detailed and takes appropriate steps to enhance the Villa by addressing the various deleterious

features. The extension to the rear is relatively large and may present some less than substantial harm to the heritage asset, however the scheme should be considered as a whole and any harm should be weighed against the benefits of improvements to the Villa and the plot which are both in poor repair, aside other material planning considerations such as the benefit of housing supply. Hence as a package the scheme is considered acceptable in terms of its design and impact upon the character and appearance of the Conservation Area, and is therefore considered substantially in accordance with design and heritage policies contained within the Development Plan, principally policies SS10 and DE1 of the Torbay Local Plan and policy PNP1(c) of the Paignton Neighbourhood Plan, and guidance contained within the NPPF.

The above conclusion has taken account of the statutory duty under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the local planning authority pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

3. Residential Amenity

Policy DE3 of the Torbay Local Plan states that all development should be designed to provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding occupiers. The Paignton Neighbourhood Plan is largely silent on the matter of amenity other than referencing air, noise and light pollution (PNP1(c)). The NPPF guides (Para 127) that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

In respect of future occupiers the internal living spaces are suitably scaled and accord with the minimum space standards outlined within Policy DE3. In fact the apartments are quite generously sized. The units also all benefit from adequate outlook and will receive adequate levels of natural lighting to key living spaces. In regard to outdoor amenity space certain apartments at ground floor level will benefit from the use of terraces or a courtyard/garden area, and more broadly the proposal retains a large garden for communal use. Upper floor units will also generally be supported by provide terrace space as the rear extension is tiered to offer some outdoor space for occupants. The general provision will provide outdoor space that accords with and exceeds the expectations outlined within Policy DE3 where apartments should, where possible, be afforded 10sqm of outdoor space either privately or as part of a larger communal offering. In terms of the broader residential elements the occupiers will be provided with on-site parking, and designated cycle storage and waste storage facilities. These facilities complete what is considered to be a good standard of residential environment for future occupiers.

In respect of neighbouring amenity the conversion of the Villa will not present any undue impact upon adjacent occupiers due to the established relationship and the distances to adjacent plots and properties.

The large rear extension that will hold 8 units over three floors with raised terraces within quite close proximity has been duly considered, mainly in terms of the impact on occupiers to the north due to separation distances to the east and west being more

generous. In regard to light and outlook the scale of the building is unlikely to result in any demonstrable harm on adjacent occupiers. In regard to overlooking and loss of privacy the rear building line is between 6.5m-8m from the plots' boundary, with the first floor building line recessing 1.5m and the upper floor building line a further 2m away from the border. To the north-west the adjacent plot has a parking area immediately adjacent and the nearest built element is around 12.5 metres from the joint border, this presents a distance of around 20m building to building. The plot appears to be in holiday use offering apartment accommodation. Considering the form of residential use, i.e. multi-unit, and that the adjacent land is communal parking, the privacy of occupiers would not be unduly impacted as the building is adequately distanced and the immediate land adjacent is parking and communal in use. It should be noted that the landscape proposals are reserved for future consideration which may present the opportunity for some screen planting to soften the relationship. Turning to the plot to the north-east this appears to provide flats with communal gardens. The building is at an oblique angle with the nearest building line approximately 7 metres from the edge of the joint border. This presents an angled relationship of around 15m-16m between buildings. Due to the oblique angle loss of privacy from inter-looking is unlikely. In regard to overlooking into gardens the space is communal within the plot and hence the impact of the development would be muted in such a context. Again as the landscaping is reserved for future consideration there is the ability to consider softening of the relationship with future planting.

In more general terms the residential use aligns with the residential uses nearby and the additional dwellings would not result in undue noise or general disturbance for existing occupiers in the area. The retention of the parking to the front helps retain the sides and rear of the plot as more tranquil areas devoid of vehicular noise and light-spill from headlights.

Finally in terms of the temporary impacts of the construction phase there will naturally be some short-term impacts, however such impacts are not unusual and the effects can be limited through restricting hours of construction and agreeing processes to limit delivery and construction movement and parking impacts through the use of a planning condition.

To conclude, for the above reasons the proposed residential environment would appear adequate and the development would not unduly impact the level of amenity afforded neighbouring occupiers, which presents development that accords with Policies DE1 and DE3 of the Torbay Local Plan and guidance contained within the NPPF.

4. Parking, Movement and Impact on Highway Safety

Policy TA3 and Appendix F of The Local Plan provides key policy guidance for residential developments. Apartments have an expectation of 1 space each with some degree of visitor parking. There is also an appreciation that these standards can be reduced in more accessible and well-connected locations such as town centres. There is further advice on the provision of disabled parking and electric charging points.

The Paignton Neighbourhood Plan supports the provision of electric charging points where possible within policy PNP1(h).

The NPPF guides that in assessing specific applications for development it should be ensured that a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree (Para 108). It also furthers (Para 109) that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

In regard to access considerations the removal of the secondary access does not present a highway safety concern. In regard to the retained access the width has been increased to respond to comments from the Highway Officer and at 5m is considered to provide a suitable access for the scale of development off a relatively quiet residential road.

In regard to parking the proposal is considered compliant with the expectations outlined within the Torbay Local Plan. The development provides 16 spaces to serve 10 apartments which accords with the guidance of 1:1 parking whilst offering a more than adequate degree of visitor parking. Within the 16 spaces there are 2 disabled spaces, which accord with the expectation of 10% provision outlined within Appendix F of the Torbay Local Plan. It is noted that the proposal is silent on electric charging points and there is a policy expectation for 20% provision within the Torbay Local Plan, which is supported by policy guidance within the Paignton Neighbourhood Plan. Notwithstanding the proposal's silence on the matter this particular element can be secured by a planning condition.

In regard to sustainable modes of transport the proposal includes a designated cycle store that appears covered and secure, which is considered adequate. In terms of broader matters of sustainable transport the proposal has good pedestrian links to recreational areas, shops and services, and hence is considered well-located for residential purposes.

Considering the points above, which conclude that the proposal offers an acceptable access and good levels of parking and cycle storage, the proposal is considered acceptable on highway and movements grounds, and in accordance with the Policies TA2 and TA3 of the Torbay Local Plan and guidance contained within the NPPF.

5. Ecology, Biodiversity & Trees

Policy NC1 of the Torbay Local Plan seeks for development to duly consider biodiversity and take opportunities for enhancement, proportionate to the context and development.

Policy PNP1(c) of the Paignton Neighbourhood Plan cites guidance on safeguarding biodiversity, securing bat and bird boxes, and protecting trees and providing hedgerows to aid biodiversity.

Guidance within the NPPF provides similar guidance to the above in that planning decisions should contribute to and enhance the natural and local environment and includes guidance towards minimising impacts on and providing net gains for biodiversity (Para 170).

The application is accompanied by an ecological assessment which in summary identifies the bat roosting potential is low but offers guidance on best practice. It also identifies that the garden may provide potential refuges for slow worms and also offers some best practice guidelines to follow. The potential for disturbance to nesting birds is also addressed and advice is given on when clearance should take place. It also touches on biodiversity potential through the choice of planting within a future reserved matters application. All matters considered the assessment does not identify any ecological reason why planning permission should not be granted. It is proposed to attach appropriate planning conditions to address the issues that are raised within the ecological assessment and to ensure protected species are duly considered through the clearance and construction phase and ongoing management of the site.

In regard to biodiversity following discussions between officers and the agent amendments have been secured to retain the key trees in the southern and eastern parts of the site adjacent to Keysfield Road and within the larger retained garden space. The retention of trees aids biodiversity goals and also aligns with policy guidance relating to the aspiration to retain trees of significance within the townscape. The Council's Arboricultural Officer is supportive of the current detail to retain the most important trees, with further consideration of the broader landscape proposal being deferred until the landscaping reserved matters is submitted. In regard to biodiversity aims the proposal provides the potential to enhance biodiversity and a planning condition is recommended to ensure the future landscaping reserved matters provides an appropriate biodiversity assessment and demonstrates a net gain.

Having considered the submitted assessment, subject to conditions to secure enhancement features and tree protection measures, as suggested, the development is considered acceptable on ecological and biodiversity grounds for the reasons stated above, in-line with the aspirations of Policies NC1 and C4 of the Torbay Local Plan, the Paignton Neighbourhood Plan, and advice contained within the NPPF.

6. Flood Risk and Drainage

The site sits in an area with a low risk (Flood Zone 1) of flooding, however it does sit within a Critical Drainage Area as designated by the Environment Agency.

Policies ER1 and ER2 of the Torbay Local Plan outline a hierarchical approach with an emphasis on sustainable urban drainage methods as the preferred option for ensuring that development proposals do not increase the risk of flooding. Policy PNP1(i) supports this position by stating that developments will be required to comply with all relevant drainage and flood risk policy. Furthering that proposals, which achieve more than sustainable drainage improvements and move beyond Sustainable Urban Drainage systems (SUDs) by keeping surface water out of the combined sewer network at source, are encouraged. The NPPF is also supportive with advice within Para. 163 citing that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

A Flood Risk Assessment has been submitted that confirms the scheme proposes a site-wide approach of a SUDS systems with soakaways within the eastern part of the site.

The Council's drainage engineer has considered the revised drainage detail has confirmed that providing the surface water drainage is constructed in accordance with the documents there is no objections on drainage grounds to planning permission being granted. The documents being the site specific flood risk assessment addendum report dated 6th April 2020, the surface water drainage layout drawing, number AT2400 01 revision A, and the surface water drainage hydraulic design included within the addendum to the site specific flood risk assessment.

The proposal is for the reasons above considered acceptable on flood risk and drainage grounds, in accordance with Policies ER1 and ER2 of the Torbay Local Plan, policy PNP1(i) of the Paignton Neighbourhood Plan, and advice contained within the NPPF.

Sustainability

Policy SS3 of the Torbay Local Plan establishes the presumption in favour of sustainable development. The site provides housing in a sustainable location close to shops, schools and bus routes.

Local Finance Considerations

S106:

Not Applicable. Guidance contained within the NPPF is that affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). Also to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. As the proposal provide a net provision of 9 units the overall residential provision is not 'major' development. It is therefore considered appropriate not to seek affordable housing and there is no requirement to explore further the potential status of the building as vacant.

CIL:

In terms of the Community Infrastructure Levy (CIL) new chargeable floor space will be liable. For sites of 4-14 dwellings within charging zone 2 the rate is £70 per square metre of new gross internal floor space.

The submitted CIL form states that the development will provide 1150sqm of new floor space. Subject to due diligence in terms of the existing floor space the development is expected to secure between £80,500 and £104,020 in CIL payments.

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:

Due to the scale, nature and location this development will not have significant effects on the South Hams SAC or Lyme Bay and Torbay SAC and does not require a formal HRA.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme in terms of addressing the Development Plan aspiration to provide housing would produce a positive impact overall and help with the supply of much needed housing. There is some minor discord in terms of heritage impacts and the rear extension will have a minor (less than substantial) impact upon the Villa and its surrounds. However this issue is considered minor and the overriding accordance with the Development Plan, and the NPPF when considered in the round, is deemed to provide a proposal that is acceptable on balance.

Housing Supply:

The Council has a housing supply which is below the 5 year supply sought by government. By providing 9 net new units the proposal will help with the delivery of housing with a form of development that is considered to accord with the Development Plan. The provision of housing is a significant benefit within the planning balance, certainly in light of the current published position where the Authority can only demonstrate a 2.5 year supply, which is a significant shortfall.

Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development, which means approving development proposals that accord with an up-to-date development plan without delay.

Statement on 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.

Proactive Working

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

In this instance substantial amendments were secured pre-submission to secure the retention of the Villa and during the application to reduce tension between the parking provision and trees in order to secure the retention of important trees in order to reduce its resultant impact upon the setting. Officers conclude that this application is now acceptable for planning approval.

Conclusions and Reasons for Decision

The proposal will provide a good standard of living for future occupants with no undue impact upon adjacent occupiers.

The visual impact of the development is considered to be acceptable on the whole, as the development secures improvements to a key building in a Conservation Area and its plot, which counters the harm of the rear extension.

The access is considered acceptable and parking on site is in accordance with policy expectations.

Previous concerns regarding impact upon trees have been resolved and conditions can secure appropriate biodiversity enhancement measures and precautionary measures regarding construction activities.

There is also no risk of flooding of land or buildings adjacent as the sustainable urban drainage system is supported by the Council's specialist engineers.

In-line with the above conclusions and the detail contained within this report, the proposal is considered to be in overriding accordance with the provisions of the Development Plan. The NPPF guides that development proposals that accord with an up-to-date development plan should be approved without delay.

It should be noted that the NPPF (Para 38) guides that Local Planning Authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. It also furthers that decision-makers at every level should seek to approve applications for sustainable development where possible. There are, for the reasons within this report, no substantive reasons to not grant planning permission.

Officer Recommendation

Approval: Subject to;

1. Final drafting of conditions delegated to the Assistant Director of Planning and Transport, to include those listed within this report.

The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning and Transport.

Conditions:

1. Reserved Matters

An application for the following reserved matters shall be submitted to the Local Planning Authority for its approval in writing:

- (i) landscaping.

The details of the reserved matters shall be consistent with the details submitted and approved pursuant to the outline consent. Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced, and the development shall be undertaken in accordance with the approved reserved matters.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2. 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: In the interests of highway safety and local neighbour amenity, in accordance with Policy TA2 and DE3 of the Torbay Local Plan 2012-2030.

3. Landscape Implementation

All planting, seeding or turfing comprised in the approved details of landscaping reserved matters pursuant to Condition 01 shall be carried out in full within 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.

Any trees or plants which within a period of 10 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: To secure an appropriate form of development in accordance with policies NC1, C4 and DE1 of the Torbay Local Plan 2012-2030.

4. Tree Protection

Prior to the commencement of development the tree protection measures as outlined within the approved Tree Protection Plan 05077 TPP Rev B 14.04.20 (Aspect Tree Consultancy) and further detailed within the Arboricultural Impact Assessment Report (Aspect Tree Consultancy) shall be implemented in full. The tree protection measures shall then be maintained in full throughout the construction phase.

Reason: In order to ensure against harm to mature trees, in accordance with Policy C4 of the Torbay Local Plan 2012-2030. These details require implementing prior to commencement to ensure against harm.

5. Arb Method Statements

Prior to the commencement of development an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The detail shall make reference to (but not be limited to) to pre-commencement site meeting, signing on of contractors onto the AMS, use of root protection surfaces, and site monitoring timings. The approved detail shall be adhered to throughout the construction phase of the development.

Reason: In order to ensure against harm to mature trees within the vicinity of the development either directly or to their rooting system, in accordance with Policy C4 of the Torbay Local Plan 2012-2030. These details are required prior to commencement to ensure protection measures are in place prior to potential harmful construction traffic and works commencing on site.

6. Landscape and Ecological Management Plan (LEMP)

Prior to the first occupation of the development a Landscape and Ecological Management Plan (LEMP), prepared in accordance with the specifications in BS42020; clause 11.1, shall be submitted and shall include, but not be limited to, the following.

- a) Description and evaluation of features to be managed, which shall include all of the mitigation measures set out in the assessment documents.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

All post-construction site management shall be undertaken in accordance with the LEMP.

Reason: To secure a satisfactory form of development in accordance with Policies SS8, C4 and NC1 of the Torbay Local Plan 2012-2030 and PNP(c) of the Paignton Neighbourhood Plan.

7. Drainage

Prior to the first occupation of the building development shall be served by the served by the surface water management system outlined within the approved site specific flood risk assessment addendum report dated 6th April 2020, the accompanying surface water drainage layout drawing, number AT2400 01 revision A, and the surface water drainage hydraulic design included within the addendum to the site specific flood risk assessment, unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to installation and prior to the first use of the building.

The approved surface water management system shall be retained and maintained for the lifetime of the development

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030, policies PNP1 and PNP1(i) of the Paignton Neighbourhood Plan, and guidance contained in the NPPF.

8. Detailed design

Prior to the continuation of development above damp proof course level (excluding demolition) details of the following shall be submitted to and approved in writing by the Local Planning Authority;

1. A sample of any proposed roof slate, which shall be natural slate and comparison detail of the existing slate,
2. Detailed drawings of all proposed windows and doors, which within the retained Villa shall be timber, including reveals and means of opening, for both the Villa and the proposed extension,
3. Details of the proposed cladding and roof covering or the waste/cycle store building,
4. Details of all fencing and other mains of enclosures, to include details of the front boundary wall, to include details on works to close the defunct access and reform the retained access, to include the rebuilding of the existing piers.
5. Details of rainwater goods

Development shall take place in accordance with the approved details and shall be retained and maintained as such for the lifetime of the development

Reasons: In order to protect visual amenity in accordance with policies DE1 and DE3 of the Torbay Local Plan 2012-2030, policy PNP1(c) of the Paignton Neighbourhood Plan and advice contained within the NPPF.

6. Parking provision

Prior to the first occupation of the development details confirming the location and provision of at least 2 electric charging points shall be submitted to and approved in writing by the Local Planning Authority.

The apartments hereby approved shall not be occupied or brought into use until the parking spaces hereby approved (including the approved disabled spaces and charging points approved pursuant to this condition), together with the manoeuvring areas, have been provided in full. These elements shall thereafter be retained for the use of the associated dwellings for the life of the development.

Reason: In accordance with highway safety and amenity, and in accordance with policy TA3 of the Torbay Local Plan 2012-2030 and policy PNP1(h) of the Paignton Neighbourhood Plan.

7. Cycle provision

Prior to the first occupation of the development the cycle store, as detailed within the approved plans, shall be completed and made available for the purpose of cycle storage to serve the

development. Once provided, the agreed storage arrangements shall be retained for the life of the development for such purposes.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and TA3 of the Torbay Local Plan 2012-2030 and policy PNP1(d) of the Paignton Neighbourhood Plan.

8. Waste provision

Prior to the first occupation of the development the waste and recycling storage facility, as detailed within the approved plans, shall be completed and made available for the purposes of waste storage to serve the development. Once provided, the agreed storage arrangements shall be retained for the life of the development.

Reason: In interests of amenity and in accordance with policies DE1, DE3 and W1 of the Torbay Local Plan 2012-2030 and policy PNP1(d) of the Paignton Neighbourhood Plan.

9. PD

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 2015 (or any Order revoking or revising that Order) the following forms of development are not permitted, 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;

- No additional or different means of enclosures,
- No additional hardstandings.

Reasons: In order to protect visual amenity and the amenity of future occupiers by maintaining a satisfactory form of development and outdoor amenity spaces within a restricted site, in accordance with Policies SS10, DE1 and DE3 of the Torbay Local Plan 2012-2030.

10. Access changes and closure of current access and provision of wall

Prior to the first occupation of the development (i) the existing western vehicular access shall be closed and the associated wall rebuilt to a height and in a finished form that matches the existing wall including the fixing of any supplementary railings. The wall shall then be maintained as such at all times thereafter. And (ii) the amendments to the retained access shall be completed, and shall maintain a form of wall and pillar to match that which exists, unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: To secure improvements to the plot and an acceptable form of development within the Roundham and Paignton Harbour Conservation Area, and for reasons of highway safety, in accordance with Policies SS10, DE1 and TA2 of The Torbay Local Plan 2012-2030, policy PNP1(c) of the Paignton Neighbourhood Plan, and advice contained within the NPPF.

11. Ecology - bats

Prior to the commencement of development all contractors directly involved with works to demolish elements of the building shall be made aware of the 'good practice guidelines' outlined within Para 5.3 of the submitted Preliminary Ecology Appraisal dated 11 February 2019 (George Bemment Associates).

Development shall take place in accordance with the good practice guidelines

Reason: To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

12. Nesting season - birds

All demolition and/or the removal of vegetation shall be undertaken outside of the bird nesting

season (March-August inclusive). If not practicable demolition and/or vegetation removal shall be undertaken only immediately following an inspection of the site by a suitably qualified ecologist to confirm the absence of nesting birds. If nests are found no works shall be undertaken until the birds have fledged within an area identified by the ecologist.

Reason: To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

13. Ground clearance - reptiles

All ground clearance should be carried out with caution in accordance with the recommendations outlined within Para 5.7 of the submitted Preliminary Ecology Appraisal dated 11 February 2019 (George Bemment Associates) and if any reptiles are encountered work should stop and a suitably qualified ecologist should be contacted for advice.

Reason: To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030, Policy PNP1(c) of the Paignton Neighbourhood Plan, and advice contained within the NPPF.

14. Biodiversity measures

The reserved matters pursuant to Condition 01 shall include and assessment and proposed measures to enhance biodiversity. The approved biodiversity enhancement measures shall be installed prior to the first occupation of the development or within the first available planting season, whichever is practicably sooner when considering the form of the enhancement measure/s, and then shall be maintained as such at all times thereafter.

Reason: To secure biodiversity enhancements in accordance with policy NC1 of the Torbay Local Plan 2012-2030, policy PNP1(c) of the Paignton Neighbourhood Plan, and advice contained within the NPPF.

Development Plan Relevant Policies

SS1 - Growth Strategy for a prosperous Torbay
SS3 - Presumption in favour of sustainable dev
SS8 - Natural Environment
SS9 - Green Infrastructure
SS10 - Conservation and the historic environment
SS11 - Sustainable Communities Strategy
SS12 - Housing
SS13 - Five Year Housing Land Supply
TA1 - Transport and accessibility
TA2 - Development access
TA3 - Parking requirements
C4 - Trees, hedgerows and natural landscape
H1LFS - Applications for new homes_
DE1 - Design
DE3 - Development Amenity
ER1 - Flood Risk
ER2 - Water Management
W1 - Waste management facilities
NC1 - Biodiversity and geodiversity

PNP1 – Area Wide
PNP1(c) – Design Principles
PNP1(d) – Residential Development

PNP1(f) – Towards a sustainable low carbon economy
PNP1(g) – Designing out crime
PNP1(h) – Sustainable transport
PNP1(i) – Surface water