



Friday, 7 October 2011

DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of **Development Management Committee** will be held on

Monday, 17 October 2011

commencing at **2.00 pm**

The meeting will be held in the Ballroom, Oldway Mansion, Torquay Road,
Paignton, TQ3 2TE

Members of the Committee

Councillor McPhail (Chairwoman)

Councillor Morey (Vice-Chair)

Councillor Addis

Councillor Baldrey

Councillor Barnby

Councillor Brooksbank

Councillor Hill

Councillor Kingscote

Councillor Pentney

Our vision is for a cleaner, safer, prosperous Bay

For information relating to this meeting or to request a copy in another format or language please contact:

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01803 207012

Email: democratic.services@torbay.gov.uk



DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

2. **Minutes**

To confirm as a correct record the Minutes of the meeting of this Committee held on 19 September 2011.

(Pages 1 - 8)

3. **Declarations of Interests**

(a) To receive declarations of personal interests in respect of items on this agenda

For reference: Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of personal prejudicial interests in respect of items on this agenda

For reference: A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Democratic Services or Legal Services prior to the meeting.)

4. **Urgent Items**

To consider any other items that the Chairwoman decides are urgent.

5. **P/2011/0470/MPA - Riviera Bay Holiday Park, Mudstone Lane, Brixham** (Pages 9 - 22)
 Re-advertisement. Demolition of 2 buildings used for launderette, maintenance workshop, housekeeping and entertainment office; demolition of wooden shed used for housekeeping; Formation of 11 new holiday lodges with new car parking layout to accommodate up to 216 car parking spaces, relocation of bin store and development of 12 residential properties fronting Douglas Avenue.
 (Berry Head with Furzeham Ward)
6. **P/2011/0932/PA - 5A Bay View Steps, King Street, Brixham** (Pages 23 - 28)
 Formation of new residential unit number 5A over 4 & 5 Bay View Steps, rear of Kings House, King Street.
 (Berry Head with Furzeham Ward)
7. **P/2011/0881/PA - 160A Torquay Road, Paignton** (Pages 29 - 36)
 Demolish structure and form new furniture showroom.
 (Preston Ward)
8. **P/2011/0813/MPA - 2-16 Southview Road, Paignton** (Pages 37 - 42)
 Demolition of eight dwellings and ancillary buildings and formation of 14 dwellings together with associated parking and vehicular/pedestrian access and amenity areas.
 (Clifton with Maidenway Road).
9. **P/2011/0856/MPA - Former General Accident Fire and Life Assurance Plc, General Buildings, Greenway Road, St Marychurch, Torquay** (Pages 43 - 54)
 Demolition of building and erection of seven retail units (for purposes within use classes A1, A2, A3, A4 and/or A5) and four residential dwellings with associated highways works, car parking and landscaping.
 (St Marychurch Ward)
10. **P/2011/0799/PA - Old Toll House, Torbay Road, Torquay** (Pages 55 - 58)
 Extension of time limit – formation of roof terrace, modifications to lift (application P/2008/0980).
 (Tormohun Ward)
11. **P/2011/0802/LB - Old Toll House, Torbay Road, Torquay** (Pages 59 - 62)
 Extension of time limit – formation of roof terrace, modifications to lift (application P/2008/0981).
 (Tormohun Ward)
12. **P/2011/1388/MOA - land at area 4 south, Scotts Meadow, off Riviera Way, Browns Bridge Road and r/o 1-21 Swallowfield Rise, Torquay** (Pages 63 - 84)
 Residential development to construct up to 155 dwellings with associated vehicular and pedestrian access, landscaping and public room open space (in outline). This is a revised scheme and a departure from the Local Plan.
 (Shiphay with the Willows Ward)

13. Public speaking

If you wish to speak on any applications shown on this agenda, please contact Democratic Services on 207087 or email democratic.services@torbay.gov.uk before 11 am on the day of the meeting.

14. Site visits

If Members consider that site visits are required on any of the applications they are requested to let the Democratic Services Section know by 5.00 p.m. on Wednesday, 12 October 2011. Site visits will then take place prior to the meeting of the Committee at a time to be notified.



Minutes of the Development Management Committee

19 September 2011

-: Present :-

Councillor McPhail (Chairwoman)

Councillors Morey (Vice-Chair), Addis, Baldrey, Barnby, Davies (In place of Pentney), James (In place of Thomas (J)), Hill and Kingscote

(Also in attendance: Councillors Amil, Hernandez, Richards and Thomas (D))

253. Apologies for absence

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Committee had been amended for this meeting by including Councillor James instead of Councillor Thomas (J).

In accordance with the wishes of the Liberal Democrat Group, the membership had been amended for this meeting by including Councillor Davies instead of Councillor Pentney.

254. Minutes

The Minutes of the meeting of the Development Management Committee held on 22 August 2011 were confirmed as a correct record and signed by the Chairwoman.

255. P/2011/0868/MPA - Churston Ferrers Grammar School, Greenway Road, Brixham

The Committee considered an application for a proposed sixth form centre.

Resolved:

Approved with the conditions set out in the submitted report and the addition of an informative to investigate the use of renewable energy sources, such as roof lights or photovoltaic solar panels on the roof.

256. P/2011/1209/PA - Paignton Green, Esplanade Road, Paignton

The Committee considered an application to discharge condition 7 of permission P/2009/1209.

Prior to the meeting written representations were circulated to members of the Committee. At the meeting Mr Robertson addressed the Committee against the

application and Mr Andrew Heard addressed the Committee in support of the application.

During consideration of this application, the Chairwoman gave Members of the Committee the opportunity to ask Mr Heard, the person responsible for preparing the drainage scheme, questions about the application and the information on which it was based. In addition to this, the Chairwoman offered Mr Robertson the opportunity to make further representations to clarify any points which arose from the Councillor's questions, which was declined.

Resolved:

That condition 7 be discharged.

(**Note:** Prior to consideration of application P/2011/1209/PA Councillor Davies declared a personal prejudicial interest and withdrew from the meeting room.)

257. P/2011/0070/MPA - 9 Central Avenue, Paignton

The Committee considered an application for demolition of a building and formation of 9 new flats with associated car parking (as revised by plans received 3 May 2011).

Prior to the meeting, written representations were circulated to member of the Committee.

Resolved:

Subject to the completion of a Section 106 Agreement in respect of

- (i) municipal waste;
- (ii) sustainable transportation;
- (iii) stronger communities;
- (iv) education (primary only);
- (v) lifelong learning; and
- (vi) greenspace and recreation

in terms acceptable to the Executive Head for Spatial Planning and completed entirely within six months of the date of the meeting, approved with the conditions set out in the submitted Report.

258. P/2011/0563/PA - 81 Kingsway Avenue, Paignton

The Committee considered a resubmission of application P/2011/0051/ to change the use to hot food takeaway (A5) from retail (A1) with revised opening hours of 12:00 noon to 10.00 p.m. Monday to Saturday.

Prior to the meeting written representations were placed in the Members' Room. At the meeting Mr Mark Dyson addressed the Committee in support of the application.

Resolved:

Approved with the conditions and informative set out in the submitted Report and an additional condition relating to the provision of a litter bin adjacent to the property.

259. P/2011/0697/PA - 24 North Rocks Road, Paignton

The Committee considered an application for extension and conversion of existing double garage into a dwelling and erection of detached garage.

Prior to the meeting, members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Mr Mick Roberts addressed the Committee in support of the application.

Resolved:

Refused for the reason set out in the submitted Report.

260. P/2011/0721/MPA - 16-20 Smallcombe Road, Paignton

The Committee considered an application for demolition of eight dwellings and their ancillary buildings and erection of 13 dwellings together with associated parking and amenity areas.

Prior to the meeting, members of the Development Management Committee undertook a site visit.

Resolved:

Approval delegated to the Executive Head for Spatial Planning subject to:

- (i) the receipt of satisfactory comments from the Council's Arboricultural Team, Environmental Protection Team and South West Water;
- (ii) the completion of a Section 106 Agreement in terms acceptable to the Executive Head for Spatial Planning;
- (iii) the conditions set out in the submitted Report;
- (iv) reconfiguration of the off street parking provision; and
- (v) satisfactory resolution of external materials to replace the proposed cedar cladding.

261. P/2011/0777/MPA - 25-35 Smallcombe Road, Paignton

The Committee considered an application for the demolition of 12 dwellings and their ancillary building and formation of 19 dwellings together with associated parking, vehicular/pedestrian access and amenity areas.

Prior to the meeting, members of the Development Management Committee undertook a site visit.

Resolved:

Approval delegated to the Executive Head for Spatial Planning subject to:

- (i) the receipt of satisfactory comments from the Council's Environmental Protection Team;
- (ii) the completion of a Section 106 Agreement in terms acceptable to the Executive Head for Spatial Planning;
- (iii) the conditions set out in the submitted Report;
- (iv) reconfiguration of the off street parking provision; and
- (v) satisfactory resolution of external materials to replace the proposed cedar cladding.

262. P/2011/0751/R3 - Curlledge Street County Primary School

The Committee considered an application for engineering works to form an access ramp and new school gates.

Resolved:

Approved with the condition set out in the submitted Report, subject to a slight alteration to the design of the gates, as recommended by the Conservation Officer, and the integration of the gates into the new side wall.

263. P/2011/0824/R4 - Land at Kings Ash Primary School, Pimm Road, Paignton

The Committee considered an application for change of use of school land to community play area including a gravelled area, fire pit and a seated area using reclaimed materials from the local community.

Prior to the meeting, members of the Development Management Committee undertook a site visit.

Resolved:

Approval delegated to the Executive Head for Spatial Planning subject to:

- (i) satisfactory comments from the Council's Arboricultural Team, the Police Liaison Officer and Torbay Development Agency;
- (ii) the receipt of details demonstrating an acceptable form and finish;
- (iii) the imposition of an informative/condition relating to the management of the play area.

264. P/2011/0280/RM - Land at Barton New Town, Scott's Bridge, Torquay

The Committee considered a reserved matters application for Phase IV Area 5C Scotts Meadow, Torquay – erection of eight one bedroom apartments on land

adjacent to Bottom Park Lane opposite Explorer Walk in place of approved retail unit.

Prior to the meeting, written representations were circulated to members of the Committee.

Resolved:

Approved.

265. P/2011/0507/PA - 3-5 Walnut Road, Torquay

The Committee considered an application for demolition of two storey office building, conversion of existing car garage into a retail shop and store with external customer parking and the installation of an external ATM unit.

Prior to the meeting, members of the Development Management Committee undertook a site visit and written representations were circulated to members of the Committee. At the meeting Mr Rossetter addressed the Committee against the application.

Resolved:

Approved with the conditions set out in the submitted Report.

266. P/2011/0641/R3 - Preston Primary School, Old Paignton Road, Torquay

The Committee considered an application for formation of new classroom block and reconfiguration of parking.

Prior to the meeting, members of the Development Management Committee undertook a site visit and written representations were circulated to members.

Resolved:

Subject to

- (i) the views of Sport England regarding the replacement of playground space;
- (ii) the views of the Highway Authority regarding the access into the site in relation to the increase in parking provision;
- (iii) confirmation from the Arboricultural Officer that the proposed landscaping and replacement tree planting are acceptable; and
- (iv) no adverse representations being received before the end of the consultation period which expires on 6 October 2011.

approved with the condition set out in the submitted Report.

267. P/2011/0656/MPA - 104 Teignmouth Road, Torquay

The Committee considered an application for demolition of two warehouse/storage/distribution (B8) and retail (A1) units with car parking and car turning facility.

Prior to the meeting, members of the Development Management Committee undertook a site visit.

Resolved:

Subject to the receipt of satisfactory consultation responses from the highway engineer and Environment Agency, approved with the conditions set out in the submitted report, subject to the shop front of the building to the left of the access being finished in brick to match the rest of the proposal.

268. P/2011/0801/AD - 55-57 Babbacombe Road, Torquay

The Committee considered an application for an illuminated gantry sign; one welcome/goodbye sign; two no parking signs and four parking restriction signs.

Prior to the meeting, members of the Development Management Committee undertook a site visit and written representations were circulated to members.

Resolved:

Approved as per the revised plan submitted to Spatial Planning which reduced the number of car park restriction signs to two.

(**Note:** Prior to consideration of application P/2011/0801/AD, Councillor Addis declared a personal prejudicial interest and withdrew from the meeting room.)

269. P/2011/0823/PA - St Margaret's CP School, Barewell Road, Torquay

The Committee considered an application for formation of a 3.5m high 20m long galvanised chain link fence on galvanised steel posts to match existing ball fence.

Prior to the meeting, members of the Development Management Committee undertook a site visit and written representations were circulated to members. The Committee noted that following further discussions, the proposed height of the fence had been reduced to 3.05m. At the meeting Lara Priestley addressed the Committee against application.

Resolved:

Subject to the height of the fence being reduced to 2.5m, approved.

(**Note:** Prior to consideration of application P/2011/0823/PA, the Chairwoman declared a personal prejudicial interest and withdrew from the meeting where the Vice-Chairman (Councillor Morey) took the Chair for that item only.)

270. P/2011/0856/MPA - Former General Accident Fire and Life Assurance Plc, General Buildings, Greenway Road, St Marychurch, Torquay

The Committee considered an application for demolition of building and erection of seven retail units (for purpose within use Classes A1, A2, A3, A4 and/or A5) and four residential dwellings with associated highways works, car parking and landscaping.

Prior to the meeting, members of the Development Management Committee undertook a site visit and written representations were placed in the Members' Room. At the meeting Mr Tom Rocke addressed the Committee in support of the application.

Resolved:

Consideration deferred for further negotiations with regard to location of the bus stop, the potential provision of a new bus stop on Fore Street, access to properties from Greenway Road, servicing of the development, design of the retail units and response to the consultation received from English Heritage.

271. Appeal Decisions

The Committee noted the outcome of recent appeal decisions, as set out in the submitted Report.

Chairwoman

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Agenda Item 5

Application Number

P/2011/0470

Site Address

Riviera Bay Holiday Park
Mudstone Lane
Brixham
Devon
TQ5 9EJ

Case Officer

Mr Scott Jones

Ward

Berry Head With Furzeham

Description

Re-advertisement. Demolition of 2 buildings used for laundrette, maintenance workshop, housekeeping and entertainment office; demolition of wooden shed used for housekeeping; Formation of 11 new holiday lodges with new car parking layout to accommodate up to 216 car parking spaces, relocation of bin store and development of 12 residential properties fronting Douglas Avenue.

Executive Summary/Key Outcomes

The proposal seeks to provide 11 holiday lodges, 12 dwellings and revised car parking facilities within three parts of the wider site of Riviera Bay Holiday Park, which is a holiday site located off Mudstone Lane in Brixham.

The lodge development, which is sited on an area of open managed grassland and tennis courts, is considered to provide an enhanced tourism package for the site and that of the wider bay. Although located within a sensitive landscape the scale, location, mitigating landscaping, lighting and management, is considered to provide development compatible with the conservation of the AONB that fosters social and economic wellbeing. The provision of improved holiday facilities supports Torbay's economic regeneration objectives and the diversification of the holiday accommodation on the site, through the provision of the 11 holiday lodges will ensure that the site is attractive as a holiday destination for the medium to long term. Therefore, notwithstanding the concerns expressed by the South Devon AONB Unit Manager in respect to the potential visual and landscape impact of the new lodges on the AONB, the lodges are considered acceptable on planning merit.

The residential development, sited adjacent to Douglas Avenue on land currently used for car parking, is considered the efficient use of previously developed land. It provides development that harmonises with the suburban character and completes the double-sided residential streetscene of Douglas Avenue. It also sits as an enabler for reinvestment into the holiday park to lift the overall quality of the tourism package for the wider site and the bay as a whole.

The revised car parking provides a more subservient 'pocket' arrangement of parking that is visually less intrusive within the site. The rationalisation and revisions for the parking are considered an enhancement on that which currently presides, which is predominantly set out as one large car park within the northern corner of the site.

As a package, the proposals provide improved tourism facilities, much needed family housing, and a route to secure investment in the site that is expected to enhance the visual quality of the site and the strength of the tourism offer for Brixham and the wider 'bay'.

Recommendation

Committee Site Visit; Conditional Approval; subject to suitable comments from the Authority's Landscape Officer and Natural England and; subject to the signing of a Section 106 legal agreement in terms acceptable to the Executive Head of Spatial Planning, broadly outlined in this report (signed within 6 months of the committee) and; subject to confirmation through the completion of the Habitats Regulations appropriate assessment that the scheme would not have a detrimental impact on the integrity of the SAC.

Conditions as laid out at the end of this report.

Site Details

The site is that of an operating holiday park that overlooks St Mary's Bay, Brixham, which has more distant views across towards Sharkham Point to the South. The holiday park comprises of relatively small mid-20th Century chalet accommodation arranged in formal terraces, which are supported by central facilities provided within a large leisure building. The facilities building provides a number of communal facilities including a pool, restaurant, bowling alley, amusement arcade and shop.

The site's main vehicular and pedestrian access is off Mudstone Lane, which distributes vehicles to the two main areas of car parking adjacent to Douglas Avenue, and Mudstone Lane. The site is predominantly landscaped with manicured grassland, with dispersed pockets of shrubs and trees throughout the site. In terms of the adjacent context although the site is 'coastal' it sits amongst residential development to three sides. The coastal outlook is over cliffs and the adjacent South West Coastal Footpath.

In regard to land designation the site sits within the South Hams AONB (Area of Outstanding Natural Beauty) and locally is under Coastal Preservation Area and Countryside Zone landscape designations. It also sits adjacent to the South Hams SAC (Special Area of Conservation) and is within the sustenance zone for the Greater Horseshoe Bat, and the Berry Head to Sharkham Point SSSI (Site of Special Scientific Interest).

Detailed Proposals

The proposal is for the partial redevelopment of the site, with three distinct forms of development located in three specific areas of the site. These include:

1. The development of 11 new holiday lodges in the north-eastern part of the holiday park on land which is currently managed lawn and tennis courts. The lodges are single-storey pitched-roof cabins that are set in a loose linear form adjacent to existing residential plots off Douglas Avenue. The lodges are approximately 12 metres by 6 metres, thus providing an approximate floor area of 70m², with a ridge height of 4 metres. The finish will be timber clad with tiled roofs. The lodges incorporate a high degree of glazing to the outward aspect looking over the coast. Formal access is limited to a pedestrian footway to the rear of the proposed development. The lodges are well equipped with en-suite facilities, and are of a high spec suitable for the modern tourist.

2. The construction of 12 new residential properties and the provision of revised car parking on land to the North of the holiday park adjacent to Douglas Avenue, on land which is currently largely utilised for car parking. The development looks to provide residential frontage development off Douglas Avenue, which 'completes' the street pattern of two-sided development.

The residential aspect of the development looks to provide a mix of six detached properties and six semi-detached properties. Revised plans have been received, which provide for a mix of dwelling types along the street frontage, where they were previously more formally arranged in groups by house type.

To the rear of the gardens to the proposed dwellings, the scheme includes a revised area of open parking, which is reduced to a linear run of spaces that abut the existing chalets to the southern side.

3. The final aspect of the scheme is to provide revised parking to the southern part of the holiday park in and around existing areas of parking and existing chalets. This part of the redevelopment looks to create spaces and rationalises existing parking areas in order to compensate for the parking spaces lost to the new dwellings.

Summary Of Consultation Responses

Natural England:

Initial comments confirm that Natural England object to the proposed development on the grounds that there is currently insufficient information to determine the impacts upon the greater horseshoe bat and calcareous grassland interest associated with the South Hams SAC.

The consultation response also states that the development site is considered to be a high risk location for the greater horseshoe bats. As such evidence should demonstrate that the bat habitat is both maintained and enhanced as a consequence of any development. Particular concern relates to the lodge development that extends the built footprint closer to the key flight corridor for the bats.

Discussions have been held with Natural England and it is envisaged that, through the submission of further supporting information, the concerns raised can be overcome.

South Hams AONB Office:

1. Support the principle of improving and upgrading the quality of tourism facilities at the site, where this could bring benefits for the environment and the tourism economy,

2. No objection to the housing element of the proposals, if a suitable level of capital reinvestment could clearly demonstrate mitigating landscape gains, and that the secondary effect of the displaced parking is not demonstrable.

3. Do object to the construction of the new lodges for the following reasons;

- a) The underlying landscape character of open coastline will be weakened by the provision of buildings beyond the established line.
- b) There is no compelling reason presented to justify why the construction of additional lodges here is essential and overrides the policy presumption against it.
- c) The application fails to demonstrate how they will conserve and enhance the special qualities of the AONB.
- d) The application fails to demonstrate how it differs from a previous refusal on a similar parcel of land some years ago.

Concluding comments are that although the planning authority will no doubt have regard for the need to foster economic development and improve the areas tourism facilities, it is maintained that this can be achieved by sympathetic and suitable upgrading and improvement within the existing area of chalets on the site and there is no compelling argument to justify a further damaging extension of new building further forward in towards the cliff top zone.

Environment Agency:

No concern subject to;

a) Surface water runoff being managed such that no increase in risk, and ideally a reduction in risk, results. There appears both the scope and the intent to provide sufficient measures and as such can recommend coverage of the surface water aspect by planning condition.

b) Time limiting permission for the 11 holiday lodges to 10 years, given the

predicted erosion rates of the cliffs at this location. Longer term development at this location is not considered sustainable.

The Authority's Arboriculture Team:

a) The lodge part of the development is acceptable for a recommendation of approval on arboricultural merit if certain minor matters are addressed.

b) That scope exists for the construction of a number of residential units within the existing car park, however the available room for mitigating planting is insufficient and a revised layout is necessary to allow adequate room for sustainable long term planting.

The Authority's Highways Department:

No Objection.

Highways request a Section 278 Agreement to construct the footway in front of the 12 proposed dwellings due to the amount of new crossovers that will be required and also to extend the footway that runs behind the hedge on Mudstone Lane, to increase safety for pedestrians.

The Authority's Strategic Transport Team:

Conditions and Planning obligations should be sought inline with adopted policy in order to be applied and contribute towards soft sustainable travel promotion and hard physical infrastructure requirements.

The Authority's Landscape Officer:

Pending comment, to be reported at committee.

The Authority's Drainage Department:

Pending comment, to be reported at committee.

Summary Of Representations

A number of objections have been submitted against the application, which raising the following concerns:-

Visual impact of the lodge development upon the coastal footpath and wider AONB

Effect on Berry Head to Sharkham SSSI

Effect on the South Hams SAC

Noise issue caused by increasing the level of use of the holiday camp

Traffic issues raised by displacing the existing parking on Douglas Avenue

Increased congestion and road degradation caused by additional vehicles

Negative visual impact of the dwellings upon the character and appearance of Douglas Avenue

Loss of trees

Loss of greenspace

Precedent for other developments on the coastal fringe
Goes against previous appeal decision (for 23 caravans)
Increase cliff erosion by increasing rainwater runoff
Amenity impacts on adjacent residents

These have been re-produced and placed in The Members Room.

Relevant Planning History

P/2006/0054	Siting of 23 caravans for holiday use – Refused (Appeal – reference AP/2006/0095 - dismissed)
P/2005/1689	Variation of parking provision - Approved
P/2003/0203	Infill disused outdoor swimming and grass over (as revised by letter and plans received on 28th February 2033) - Approved
P/1999/1177	Construction of 14 chalet, 10 flats over existing chalets, extension to house swimming pool (indoor) and improved access and additional parking (as revised by plans received 21/1/2000) - Approved
P/1999/0993	Alterations to front elevations and installation of patio doors to 88 chalets - Approved
P/1999/0596	Indoor swimming pool with associated works (as revised by plans received 18th May 1999) – Approved
P/1998/1238	Alterations and refurbishment to existing holiday units and extension of letting period of whole site to 11 months (as revised by letter dated 9th September 1998) – Approved

Key Issues/Material Considerations

Principle of uses and Planning Policy -

Economy/ Tourism -

The submitted tourism/economic statement confirms says that the site currently holds small chalet accommodation arranged in formal terraces that date from the mid-20th Century. The chalets provide an approximate floor area of 28m², with limited internal sub-division of rooms, due to their restricted size. The fabric of the holiday stock has also experienced some deterioration, which in-part may be exacerbated by the low construction standard of the buildings.

The objective of the proposal is to provide the means by which the existing holiday park can be upgraded, through the introduction of higher quality lodge accommodation and by the potential to reinvest within the site through capital reinvestment provided by the residential part of the scheme.

The timber lodges look to respond to the evolution of the holiday accommodation

sector and the growing 'log-cabin' market. The proposed lodges provide the opportunity to diversify the type of holiday occupancy offered within the site, in a form which is linked to occupancy by higher spending socio-economic groups. This diversification secures the longer term viability of the holiday site by providing accommodation that current visitors can aspire to and a new form of accommodation to attract new visitors to holiday at the site.

In addition to the diversification and provision of high-quality lodges the proposed dwellings fronting Douglas Avenue provide the financial means for the upgrading and improvement of the existing chalet accommodation and facilities on the site. This will in-turn set a higher standard of accommodation throughout the site and strengthen the tourism offer. In order to secure reinvestment takes place, negotiations are ongoing to provide s106 legal agreement terms that secure reinvestment for capital works to improve the tourism offer within the site.

In regard to wider tourism matters the site currently provides the full-time equivalent of 35 jobs and the proposals appear to provide the potential to secure and expand the site as a positive functioning tourism facility. The absence of either the residential development or the new holiday lodges would be likely to lead to contribute to the further degradation of the site. The whole package is required to deliver the combination of an injection of financial capital and new modern high end purpose built accommodation to secure the future holiday use of the site.

In terms of policy Local Plan policy TUS (Tourism Strategy) states that 'Torbay's tourism industry will be developed in a sustainable and competitive manner having regard to environmental resources, through the retention of existing attractions; the investment in new facilities; and by the sensitive development of Torbay's heritage as a tourism asset'.

The criteria in policy TU9 'Refurbishment and development of new holiday centres and parks' stipulates that 'proposals for new holiday parks, chalet, caravan and camping sites, or schemes for the refurbishment and upgrading of existing facilities will be permitted, provided that:

- (1) the development does not have an adverse impact on the landscape conservation, nature conservation and agricultural characteristics of the area or involve the loss of best and most versatile agricultural land;
- (2) the development is acceptable in terms of transportation, access and safety considerations; and
- (3) the proposal does not adversely affect the amenities of any adjoining residential areas.

These criteria and other key issues are considered below.

Landscape/ Visual Impact -

The application site lies within an AONB and part of the site is also designated as a Coastal Preservation Area. The site is also adjacent to a National Nature Reserve (NNR) and Site of Special Scientific Interest (SSSI) on the coast, and is in the vicinity of the Berry Head Country Park, which is designated as a Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). These designations highlight the landscape (and ecological) importance of this part of Torbay and this landscape should be viewed as an important asset, not just in landscape terms, but also in relation to its attractiveness tourists, visitors and residents alike.

In coastal preservation areas, Local Plan policy L3 says that the improvement of existing chalet or caravan sites will be permitted where it would make little impact upon the character of the protected area. Local Plan policy L1 confirms that development will only be permitted in the AONB where it would support the area's conservation or enhancement or would foster its social and economic well-being, provided that such development is compatible with the area's conservation. In this case, therefore, the merits of the scheme in the provision of additional development must be weighed against the environmental constraints.

The lodge proposals sit as the most sensitive of the three development areas in landscape terms, due to their prominence towards the cliff top, the coastal path, and the context of this being largely undeveloped land. It is noted as well that a proposal for 23 caravans on this area of land has previously been refused and the subsequent appeal dismissed. Notwithstanding appreciation of the appeal decision, each application must be assessed on its own merits with due consideration of the all pertinent matters at the time. In this case, the proposal is for fewer than half of the number of units that was previously dismissed at appeal, the units are of a higher quality and have been chosen for their rural appearance and sited within a landscaped environment.

The applicant has submitted detailed landscape analysis that concludes that the proposal would not have a demonstrable detrimental impact upon the landscape character of the AONB. This judgment conflicts with the consultation comments received from the South Devon AONB Office, who object to the scheme on visual grounds.

As stated above the test is considered to be whether the development supports the area's conservation enhancement *or* would foster economic well-being. There are clearly benefits to the tourism sector from the development, it is therefore a matter of judgment on two matters; whether there is demonstrable harm, and if there is, do the benefits to the economic well-being provide a platform to support the development.

The Authority's Landscape Officer has been asked to review all correspondence

in regard to the possible landscape implications and his comments will be relayed to the committee members.

The 'dwelling' and 'parking' elements of the development are not considered overtly sensitive in regard to the AONB, which is reaffirmed by the South Hams AONB Office. The dwellings are considered suitably scaled and designed to sit comfortably within the backdrop of mid/late 20th Century residential development. The loss of the trees is not considered overtly sensitive in respect to the landscape and the proposals are largely supported by the Authority's Tree Officer.

The parking revisions and rationalisation are supported as this will provide a 'pocket' format of parking provision dotted throughout the landward side of the site. Subject to further information and appropriate conditions it is considered that a suitable landscape scheme could provide appropriate mitigation and enhancement across the site.

Ecology -

Ecology issues centre on the impact of the development upon the SAC at Berry Head, policy NC1 makes it clear that 'development that would harm the integrity of a Special Area of Conservation (SAC), or which conflicts with the conservation objectives for such a site, will not be permitted.'

In this case, therefore, it is clear that the environmental sensitivities of the site are such that the protection of the environment should be given significant weight in the decision making process. The development should only be permitted if it can be proven that it would support the conservation objectives of the SAC. The conservation objectives for the SAC are to maintain the important habitats within the designation with particular reference to species and habitats, in this case the protected Greater Horseshoe Bats and their roost in the caves at Berry Head and use of the peninsula for commuting and foraging.

The developer has submitted an EIA with the planning application and this concludes that the development will provide landscape and ecological enhancements and will not detrimentally impact upon the special characteristics of this area. The submission has also provided supplementary information in respect of design features and lighting studies in order to manage the development appropriately and provide a positive effect upon the Greater Horseshoe Bats.

Natural England currently object to the proposal, expressing concerns that there is insufficient evidence to determine the likely impacts upon the protected species. However, negotiations are ongoing on this matter and it is now anticipated that Natural England will be in a position to withdraw their objection once further information has been provided and once the Council has concluded

the appropriate assessment. It is recommended that any resolution to grant should be subject to the withdrawal of Natural England's objection in regard to this matter.

It should also be noted that under the Habitats Regulations it is incumbent on the 'competent authority', which in this case is the Local Planning Authority, to undertake an 'Appropriate Assessment' (AA) of a plan or project where such a plan or project will have a likely significant effect on the integrity of the SAC. For information an AA is a separate assessment to an Environmental Impact Assessment and in this case it will be necessary to assess the cumulative impact of this proposed development with other proposals in the area. The AA must also look at the site in the context of its relationship to the SAC and in particular the use of the SAC by the Greater Horseshoe Bats. The assessment will in essence be required to consider the requirements of the Greater Horseshoe Bat population and determine the importance of the site to the populations overall movement and foraging patterns.

In summary the proposals are considered acceptable on ecological grounds provided that the current discussions lead to a positive resolution from both Natural England and Kestrel Consultants, the ecologists acting on behalf of the Authority.

Highways/ Parking and movement -

The proposed dwellings off Douglas Avenue will be served by garage and driveway parking, at a level that accords with planning policy. The access is level and visibility on to this residential street is acceptable. The addition of 12 dwellings and the associated vehicle movements within a relatively quiet residential side road is not considered burdensome in terms of traffic movement.

It is noted that the Authority's Highway Department do not raise any concern on the highway impact on Douglas Avenue.

In regard to the wider strategic highway implications of the development, the proposed changing land use and parking rationalisation does not result in any net loss in the number of parking spaces. At present the site is reported to provide 205 spaces within a poorly laid-out and poorly delineated car park. The proposal seeks to provide 216 spaces in a more integrated arrangement of spaces set in closer proximity to the chalets. This will permit a more formalised scheme of parking, with spaces designated for each chalet, this will ensure a more efficient use of space and will be a more attractive arrangement for visiting tourists.

The development proposals trigger a sustainable transport contribution to the sum of £47,380.00, and the Council's strategic transport officer has indicated a number of works for which this payment could be put towards to provide local

improvements. The applicant has agreed to pay this contribution through a s106 agreement.

In the absence of opposition from the Authority's highway specialists the proposal is considered acceptable on highway terms. The scheme will provide residential development within a sustainable urban location supported by appropriate parking facilities and access. The development will also maintain a suitable level of parking within a holiday site with the potential for local off site improvements through the receipt of planning contributions for sustainable transport infrastructure.

Amenity implications upon neighbouring uses/occupiers -

Although the site is flanked on three sides by residential development it is considered that the properties most affected by the proposals will be properties on Douglas Avenue to the North.

In regard to the lodge development the relationship to the rear with the existing residential plots off Douglas Avenue is considered acceptable. This is due to the scale of the proposed new buildings, how they sit when considering the local land levels, and the shear distance involved between the buildings.

There is unlikely to be any potential for overlooking, loss of privacy, or loss of light/outlook. It is accepted that the placement of buildings may increase the level of activity within the area, however the basic land use remains part of a tourism site and the impact is unlikely to be demonstrable.

In respect of the impact of the dwelling units off Douglas Avenue, the plot arrangement produced does not introduce any scale of building, or distance between buildings that may result in harm to existing occupants through loss of privacy, light or outlook.

Drainage/ Flood Risk -

The site is not considered sensitive in terms of flood risk as it does not sit within a sensitive flood risk zone and does not have a history of fluvial or tidal flooding. The provision of the type of development proposed is therefore generally accepted in respect to the risk from flooding.

In regard to surface water runoff the Environment Agency (EA) has confirmed that there appears to be the scope and intent to provide sufficient measures in order for there to be no increase in risk, and ideally a reduction in risk.

The EA has expressed concern in respect to the lodge development, citing that it would be unsustainable to permit permanent development, such as housing here. They do argue however that it is possibly acceptable to have some form of time-limited usage for holiday lodges of a semi-permanent, ideally mobile, form of

construction here.

As matters stand the proposal appears acceptable on merit with conditions inline with advice from the EA. Comments from the Authority's Drainage Team are expected and will be reported to the committee members on the day. Further information in respect of the need for a time limited permission for the holiday lodges will be reported to members at the meeting.

S106/CIL -

The detailed negotiations with regards to the heads of terms and commuted sums within the Section 106 Legal Agreement are ongoing. It is however hoped that a draft agreement will be in place by the time of the committee and the current status of this will be reported to members on the day.

As matters stand the development is deemed to trigger the following level of planning contributions for social and physical infrastructure works and clauses as detailed to ensure a suitable form of development;

1. SPD Contributions;

Sustainable Transport:	£47,380.00
Greenspace & Recreation	£28,440.00
Lifelong Learning	£ 5,280.00
Stronger Communities	£ 2,400.00
Waste & Recycling	£ 600.00

Total **£84,100.00**

2. Monitoring Payment

The requirement for a monitoring payment, for the holiday element and as per the SPD, to the sum of £2,200.00, to enable the supervision of the use of the lodges and the phasing of the development.

3. Holiday restriction to the lodges

Restriction on the use of the lodges for holiday purposes only, with restriction to include the keeping of a register of owners and their main residence, ensuring the lodges are used for holiday purposes only.

4. Site Management Clause

Clause to secure that the site is maintained and managed as one holistic tourism offer.

5. Tourism re-investment Clause

The re-investment of some of the capital receipts received from the disposal of the residential dwellings, /on improvement works to Riviera Bay Holiday Park. This should be as per a schedule of works previously submitted to and approved by the LPA. Approved works to be undertaken within 3 years of commencement of development directly linked to the provision of the dwellings, or within 1 year of the occupation of the 6th dwelling, whichever is sooner.

6. Ecological enhancement clause

Prior to commencement of development relating to the lodges an ecological management plan and phasing agreement for the entire site, indicated by the blue line, shall be submitted to and agreed by the LPA. The scheme shall then be implemented in accordance with a phasing programme to be agreed in writing with the Local Planning Authority.

Conclusions

The key issue in this case, is the weighing up of the benefits of a tourism proposal against any perceived disadvantages arising from its location. The proposal provides improvements to the holiday package provided by an existing operating holiday park, by introducing upper-market lodges to the site, along with a mechanism to secure reinvestment and enhancement of the existing product. Both of these ambitions will strengthen and support the tourist industry provision on the site and in Brixham as a whole.

However, it is accepted that the scheme is proposed within a sensitive location and as such it is vital that such a proposal ensures positive environmental gain and that the development will hence not have a detrimental impact on the AONB, or the integrity of the nearby Special Area of Conservation.

In this case the provision of a management plan and a Section 106 legal agreement will provide for the management of the land around the periphery of the application site. The strategic lighting scheme and the proposed landscaping will also provide a positive gain from a landscape and ecological point of view. The visual impact will be mitigated by the additional planting proposed and by the provision of caravans clad in recessive materials around the periphery of the site.

That being said the concerns of the South Devon ANOB Unit Manager are noted with respect to the landscape impact and further information will be reported on this issue at the meeting. It is anticipated that, notwithstanding the concerns raised, the landscape and visual impact will be mitigated by the design and siting of the lodges and the proposed landscaping. In addition, the impact of the lodges must be considered as part of an overall package that includes provision for the physical improvement of the existing chalets on the site.

An Appropriate Assessment in relation to the impact of the development on the nearby SAC at Berry Head and specifically in relation to the Greater Horseshoe Bats has been commissioned and it is intended that this will be completed prior to the committee meeting.

Conditions:-

Removal of dwelling house PD

11 month holiday occupancy of the lodges

Provision and maintenance of car parking facilities prior to occupation

Samples of all external finishes, including colour palette

Submission of a detailed landscape scheme and maintenance thereof

Submission of a surface water drainage scheme

Submission of a phasing plan

Submission of a lighting scheme for both the construction and post completion phases for the site outlined in blue

10 year permission for the holiday lodges

Prior to commencement enter in to a s278 highway agreement

The provision of green travel information packs

Provision of covered secure cycle parking

Relevant Policies

-

Agenda Item 6

Application Number

P/2011/0932

Site Address

5A Bay View Steps
King Street
Brixham
Devon
TQ5 9TH

Case Officer

Mrs Helen Addison

Ward

Berry Head With Furzeham

Description

Formation of new residential unit number 5A over 4 & 5 Bay View Steps; rear of Kings House, King Street

Executive Summary/Key Outcomes

The application is to raise the height of the roof of the building and for an extension to form a two bedroom flat. The site is within the Town Centre. Further information is required to assess the impact on the character of the Conservation Area and in respect of access for emergency vehicles. Subject to the receipt of satisfactory additional information and a S106 contribution, the proposal would constitute an acceptable form of development in this location.

Recommendation

Committee Site Visit; Subject to the receipt of satisfactory further information, and signing of a S106 Legal Agreement in terms acceptable to the Executive Head of Spatial Planning within 6 months of the date of this committee meeting; conditional approval (conditions are at the end of the report).

Site Details

The application site relates to a detached property situated on the north side of Bay View Steps. The site is steeply sloping and the property responds to the changes in ground levels by having a lower ground floor with a single storey appearance towards North View Road. The elevation facing Bay View Steps is rendered with other elevations being finished in natural stone. It is currently in use as two flats. There is no car parking to serve the property.

The surrounding area is predominantly in residential use. In the Torbay Local Plan 1995-2011 the site is designated as being within the Brixham Town Conservation Area, Brixham Town Centre and identified as Harbourside and waterfront regeneration.

Detailed Proposals

The application is to raise the roof of the existing building and for a single storey extension towards North View Road to form an additional unit of accommodation. The proposed new flat would comprise two bedrooms, two bathrooms and an open plan lounge, dining room and kitchen. The proposal includes replacing existing critical windows with timber sliding sash windows in the entire building. The roof of the building would be covered with Delabole slates. An extensive glazed window would be formed at second floor level facing the harbour. The agent advises that to reduce the size of the roof hipped ends are proposed. The existing chimney stack would be demolished.

Access to the proposed new flat would be from Bay View Steps. In the design and access statement it is advised that the new flat would be for a member of the family.

Summary Of Consultation Responses

Highways: No objection as site is within designated Town Centre Zone in the

Torbay Local Plan 1995-2011.

Fire Service: Consultation response awaited.

Summary Of Representations

Letters of objection have been received and are reproduced at Page B.200. The following issues are raised;

North View Road is very narrow, can be difficulties with access for emergency vehicles.

Will add to parking problems in North View Road as there is no parking provision in King Street

Impact of further structural works

Will be contravention of Conservation Area

Contractors vehicles would cause chaos

Can an attachment be made to prevent use as a holiday rental?

Garden area should be sacrificed to provide parking

Refuse vehicles are unable to negotiate the roads and use canvas sacks to remove rubbish.

Relevant Planning History

1994/0163: Construction of car hardstanding refused 5.4.94
1993/1309: Construction of car hardstanding refused 30.11.93

Key Issues/Material Considerations

The main issues are the principle of forming an additional unit of accommodation in this location, the impact of the proposal on the appearance and character of the Conservation Area, and highways.

Principle and Planning Policy -

Policy H2 in the Torbay Local Plan 1995-2011 sets out a number of criteria for new dwellings on unidentified sites. These criteria include reusing urban land, maximisation of densities (especially in central locations with good accessibility) and the promotion of good design. Policy H3 supports the provision of additional residential accommodation within Town Centres. The application site is close to the town centre and is linked by Bay View Steps. The principle of making effective use of an existing site close to the town centre would be consistent with the objectives of Policies H2 and H3.

Policy BE5 in the Torbay Local Plan 1995-2011 requires new development to preserve or enhance the appearance or character of the area. The existing building is visible in views across the site from the harbour and also from North View Road. The proposed development includes an enhancement to the overall appearance of the building through the replacement of existing windows with timber sash windows and the provision of a delabole slate roof, which would be a good quality slate. These proposals would enhance the overall appearance of the building.

The proposal would also involve an increase in height of the roof by 1 metre which would increase its prominence. The agent has been asked to provide additional information in the form of a photo montage about the impact of the development on views across the site. It is noted that the level of the property is significantly lower than North View Road and that the property is partly screened by an existing stone wall.

Local residents have raised concerns about the impact of the proposal on the highway, particularly in North View Road. There is no parking proposed to serve the new flat. Concern has been expressed about the method of construction, access for emergency vehicles, and the impact of an additional dwelling on an already congested road. In this location a condition could be imposed on the grant of planning permission requiring submission and approval of the method of construction which could address deliveries of materials, parking of contractors etc so that this could be agreed with the Local Planning Authority in advance of any development.

In the Torbay Local Plan 1995-2011 the site is designated as being within the

Town Centre. The highway engineer has advised that for this reason he has no objection to the proposal. In the light of this designation it would be difficult to defend a reason for refusal of planning permission on the grounds of lack of parking. The fire service has been consulted on access for emergency vehicles and their response is awaited.

S106/CIL -

The following contributions would be required to off-set the impact of the proposal;

Waste management	£ 50
Sustainable Transport	£2350
Lifelong learning	£ 300
Greenspace	£2050

TOTAL **£4750**

Conclusions

In conclusion, the proposal would result in the provision of an additional dwelling on the site. Further clarification is required from the architect on the impact of the proposal in views across the site, and in respect of access for Emergency Services. Subject satisfactory responses to these issues the proposal would result in a sensitively designed improvement to the appearance of the building that would preserve and enhance the appearance and character of this part of the Brixham Town Conservation Area.

Condition(s)/Reason(s)

01. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason; In the interests of visual amenity in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

02. 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 to window/door openings;
- (iv) sub cills;
- (v) glazing bars.

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 Policy BE1 of the Torbay Local Plan 1995-2011.

03. The new sash windows shown on the approved plan shall be installed before the use of the flat hereby approved commences in accordance with the plans approved by condition 2 and thereafter retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason; In the interests of the visual amenity of the area, in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

04. No development shall take place until a method statement for the construction of the development hereby approved has been submitted to and approved by the Local Planning Authority. The statement shall provide details of the management of material deliveries and where they will be stored, the times of construction on the site, and the management of parking provision for contractors working on the site. Development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy T25 of the Torbay Local Plan 1995-2011.

Relevant Policies

- H2 New housing on unidentified sites
- H3 Residential accommodation in town centre
- H9 Layout, and design and community aspects
- H10 Housing densities
- BES Built environment strategy
- BE1 Design of new development
- BE5 Policy in conservation areas
- TU1 Harbourside and waterfront regeneration
- T2 Transport hierarchy

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Agenda Item 7

Application Number

P/2011/0881

Site Address

160A Torquay Road
Paignton
Devon
TQ3 2AH

Case Officer

Mrs Helen Addison

Ward

Preston

Description

Demolish structure and form new furniture showroom

Executive Summary/Key Outcomes

The application is to demolish the existing building on the site and to construct a two storey retail unit. The proposed shop would have a modern contemporary appearance that would respect the scale of adjoining properties.

Recommendation

Subject to the signing of a S106 Legal Agreement in respect of improvements to the cycle route in the vicinity of the site, in terms acceptable to the Executive Head of Spatial Planning, within 3 months of the date of this committee meeting. Conditional approval. (Conditions at end of report).

Site Details

The application site relates to a single storey rendered building with parapet roof situated on the east side of Torquay Road, south of the junction with Kings Road. The property was most recently used as the Brunel Business Centre and is currently vacant. There are access lanes that run along the northern and eastern boundaries of the property that provide access to the rear of neighbouring buildings. In front of the building on Torquay Road there is on street parking provision.

The site forms the end of a terrace of two storey properties that are largely in commercial use at ground floor level. A number of these have been extended. There is no allocation relating to the site in the Torbay Local Plan 1995-2011. The grounds of Oldway mansion extend to the opposite side of Torquay Road.

Detailed Proposals

The application is for demolition of the existing building and for construction of a two storey retail property that would be attached to the adjoining building 160

Torquay Road. The proposal would have a modern appearance with a large glazed shop front surrounded by clad walls. A set back mansard roof is proposed with glazed panels. There would be two parking spaces at the rear of building. Colours of materials would to be agreed with officers at a later stage.

Summary Of Consultation Responses

Highways: Consultation response awaited.

Senior Transport Officer: Advises SPD should be applied to provide a bus shelter with associated highway works south of the site as well as improving local cycle routes. Also requests 2 staff cycles should be capable of being parked securely and under cover as well as public cycle parking at the front of the site.

Summary Of Representations

5 letters of representation received. The following issues are raised;

Want to ensure that access to car and garage is maintained at all times during redevelopment.

Bins should not be placed adjacent to rear wall of development

Concern about impact on access road

Proposal will remove an eyesore

Details of deliveries should be considered

Does applicant have the right to use the access lane?

These are re-produced at Page P.200.

Relevant Planning History

P/1985/2806 Use As Resource Centre

PER - 19/12/1985

P/1984/2063 Use As Unemployed Centre

PER - 11/09/1984

P/1982/2722 Use Centre For Unemployed

PER - 06/01/1983

P/1982/1205 12 Two-Person Flats

UNK - 02/08/1982

P/1982/1177 Retention Lt. Industrial Use

PER - 01/07/1982

P/1981/2399 Temporary Light Industrial use

PER - 24/09/1981

Key Issues/Material Considerations

The main issues are the principle of retail use at this site, whether the design, siting and appearance of the building would be appropriate for this location, and highways and S106 contributions.

Principle and Planning Policy -

Policy S6 in the Torbay Local Plan 1995-2011 relates to development outside shopping centres. This sets out a number of criteria for considering proposed retail development. It includes the need for a sequential approach to be used in selecting the location. In the design and access statement it is indicated that the applicant has spent 3 years searching for a site. A report has been submitted by the applicant identifying other sites that have been considered and explaining why it has not been possible to proceed with these sites.

In the light of this report it is considered that the applicant has demonstrated that there are no other suitable sites within a town centre, district or local centre that could reasonably meet the need. The applicant notes that the site is on a major road network, and is easily accessible by public transport, and is located close to both Preston District Centre and Paignton Town Centre.

The adjoining properties to the south have a retail character and the proposed use would be consistent with the overall character of the area.

Negotiations have been carried out at pre application stage in respect of the design of the proposed building. The appearance has been revised so that it respects the siting and scale of the adjoining terrace. This has meant setting the roof of the building back so that the highest part of the building does not project in front of the eaves level of the adjoining terrace.

The proposed building would have a modern appearance. In the design and access statement reference is made to the appearance of the new Sainsburys building on the opposite side of the road. As this site is not within the conservation area there is an opportunity for a modern and innovative design solution. In order to ensure that the detail of the building is of high quality conditions should be imposed requiring details of the windows, doors, reveals and materials. In principle the proposal would appear to meet the objectives of Policies BES and BE1 in that the development would enhance the appearance and character of the area.

Local residents have raised concerns about obstruction of the access lane that would run along the side of the building. The agent has responded and advised that the applicant would minimise disruption to local residents during construction. In addition the lane would, as a minimum, be reinstated to its

current condition following completion of the development. The agent has confirmed that the shop would operate on the basis of goods in the showroom predominantly being sold to order with goods intended to be distributed from the Company's existing storage facility in Torquay. It is estimated that there would be approximately 2 visits by lorry to the showroom per week each lasting roughly half an hour.

Economy -

The proposal would result in the creation of four new full time posts in the retail sector and would provide a commercial use for the site, which has been vacant for an extended period of time.

S106/CIL -

In accordance with the SPD the starting point for calculating contributions to mitigate the impact of the proposal on the immediate area would be;

Sustainable Transport	£31,816
Loss of employment	£22,740

Total: £54,556

In order for the contribution to be lawful it has to meet the tests of the CIL Regulations (Section 122) which are;

- a) necessary to make the development acceptable in planning terms
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

The Senior Transport Planner advises that the S106 sustainable transport contribution would be required for the provision of a new bus shelter and a new cycle lane, which would involve the provision of signs and lines.

If the Council was challenged on this issue it could be difficult to justify that the provision of a new bus shelter would be required to make the development acceptable in highway terms. The business model is for a low volume of customers to visit the premises. A non food retail condition would be imposed on the grant of planning permission to prevent use by a supermarket / other food operator, which would generate a more intense use of the premises. As such the provision of a new bus shelter is unlikely to be justifiable in this instance.

However, it is considered that the proposed improvements to the cycle network could be justified to encourage a sustainable use of the site. The Senior Transport Planner has been requested to provide details of the works that would directly relate to the site and their cost.

Similarly there is a concern over the 'Loss of employment' contribution. This is due to the fact that in this case, the premises are vacant and have been for a number of years. Therefore the proposal would not result in an actual loss of jobs on the site. Furthermore, the calculations for loss of employment contributions are based on the principle of B class jobs being of higher value and paying a salary in excess of £20k per year. The calculation assumes that the floor space would support 8 office/light industrial jobs.

Information has been requested as to how many persons were employed at the site when it was in use in the past, it is uncertain whether 8 jobs could be feasibly be provided in this location under a B class use in the future. It is also noted in this regard that the TDA have advised that the site is probably better suited to the type of use proposed and not ideal for small business space.

In support of the proposal the application would result in an investment in the area and would create 4 new jobs. There would also be a considerable environmental enhancement which would be likely to have a positive impact on nearby businesses and the area generally.

Advice in PPS4 is for Local Planning Authorities to adopt a positive and constructive approach towards planning applications for economic growth. Given the sustainable location of the site, with good accessibility by public transport, its location on the cycle network and the quality of design which would improve the character and quality of the area, it would be inappropriate for the Council to impose costs that it is difficult to justify. As such it is considered that the only 106 contribution that should be sought in this instance is a contribution towards the provision of a cycle lane outside of the premises running down towards Lower Polsham Road.

Conclusions

In conclusion, the proposal would result in investment in a run down property and the creation of a new retail unit in a sustainable location close to Paignton Town Centre. The proposed building would have a contemporary design, with a scale that would respect the adjoining building. The applicant has demonstrated that there are no other alternative sites available for type and scale of retail development within the town, district or local centres. The location is close to existing centres and within an area that has an existing commercial focus. The proposal would be consistent with the objectives of Policy S6 of the Torbay Local Plan 1995-2011.

Condition(s)/Reason(s)

01. No development shall take place until samples of the materials including the curtain walling to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the

Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason; In the interests of visual amenity in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

02. 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) reveals to window/door openings;
- (ii) glazing bars.

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 Policy BE1 of the Torbay Local Plan 1995-2011.

03. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority (a) details of the curtain walling and its operation including whether there would be any opening sections and (b) details of how the junctions of the different materials would be addressed.

Reason; In the interests of the amenity of the area in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

04. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification), the use of the premises hereby approved shall not be used for the sale of food unless otherwise agreed in writing by the Local Planning Authority.

Reason; To safeguard the character of the area, in accordance with Policy SS of the Torbay Local Plan 1995-2011

05. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position and details of cycle parking on the site. The cycle parking shall be made available before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details.

Reason; To encourage the use of a sustainable and environmentally acceptable mode of transport, in accordance with Policy T2 of the Torbay Local Plan 1995-2011.

Relevant Policies

- S6 Retail development outside identified To
- BES Built environment strategy
- BE1 Design of new development
- T1 Development accessibility
- T2 Transport hierarchy
- SS Shopping strategy

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Agenda Item 8

Application Number

P/2011/0813

Site Address

2-16 Southview Road
Paignton
Devon
TQ3 2QG

Case Officer

Mr Scott Jones

Ward

Clifton With Maidenway

Description

Demolition of 8 dwellings and ancillary buildings and formation of 14 dwellings together with associated parking and vehicular/pedestrian access and amenity areas.

Executive Summary/Key Outcomes

The proposal is a social housing redevelopment scheme that seeks to replace eight existing semi-detached 'Cornish Units' with fourteen new dwellings arranged in three short terraces, all served with off-street parking.

The proposal is a positive residential redevelopment that will provide modern social-rented housing units and help meet the need for affordable homes in Torbay. The scheme for three short terraces is considered to sit comfortably within the local surroundings. The scale, layout and design of the buildings, is fitting for the locality.

Recommendation

Site visit; Conditional approval (suggested conditions as laid out at the end of this report) delegated to the Executive Head of Spatial Planning; subject to the signing of a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning (within 6 months of the committee date).

Site Details

The site is the combined curtilage of residential plots numbers 2 through to 16 Southview Road. The site currently holds eight dwellings that are arranged in four pairs of two-storey semi-detached units. The existing buildings are a mix of pre-cast concrete panels and upper floor clay tiles and feature front and rear gardens with pedestrian access and occasional off-street parking. Due to the sloping topography of the street the units stagger down the road from North to South (Number 16 to Number 2) and sit slightly below street level. The existing

buildings are not worthy of retention, are in a dilapidated state and do not contribute positively to the built environment.

To either side of the plot there are further two-storey residential dwellings. To the rear, the land falls away quite steeply to the residential plots off Maidenway Road.

There are no built or landscape designations over the land within the Local Plan proposals map.

Detailed Proposals

The scheme proposes 14 dwellings along the frontage of Southview Road, provided in three short terraces. All of the units are split level, with a single-storey to the road frontage and a lower ground floor to the rear aspect. The elevations are to be rendered and set under gabled tiled roofs. Each unit will be supplemented with a minimum of one on-site parking space with a degree of landscaping to the front and private amenity space to the rear. In regard to the development footprint, the front and rear building lines loosely accord with the existing and, in regard to massing, the staggered ridge lines also reflect those which currently exist.

Summary Of Consultation Responses

Affordable Housing Team: All of the units on this site are to be developed as affordable housing which is to be commended due to the high need for affordable homes in Torbay. Our Housing Needs Survey shows demand across the spectrum of household sizes and the Housing Market Assessment indicates a great need for all house types in Torbay, with a particular need for affordable rented accommodation. Our waiting list figures support this; there are currently 2941 households on the waiting list for rented accommodation, a further 381 households on the South West Homes waiting list for shared ownership accommodation with a further 27 households in temporary accommodation. This site is part of a wider regeneration project in the area to replace the current defective accommodation that currently lies empty, with more efficient modern accommodation that people want to live in. These homes will go a long way to meeting housing need for local people and consequently Housing Services are supportive of the proposals.

Highways Department: Highways raise no objection to the development. Comment is provided that all off street parking spaces should be a minimum of 5.5metres. For the sake of clarity, the submitted plans do currently show a minimum depth of 5.5m.

Arboricultural Team: Recommend approval on arboricultural merit with the

requirement for a detailed landscape scheme to be prepared, which can be agreed via condition.

Summary Of Representations

A number of representations in objection to the application have been received and a petition with 76 names has also been submitted. Points raised include the following:-

overdevelopment
impact upon the character of the street
traffic/parking implications due to the increase in numbers
impact on residential amenity
inadequate amenity space provided
impact upon the drainage system
provides an imbalance of the private and social housing mix in the street
visual impact of bins in the street

These have been re-produced and placed in The Members Room.

Relevant Planning History

None.

Key Issues/Material Considerations

Principle and Planning Policy -

The key policy issues are considered to be;

- i) The principle of the development,
- ii) Visual implications, largely around scale, layout and design,
- iii) Neighbour amenity considerations,
- iv) Highway matters, parking and access.

i) The principle of the development -

Firstly, demolition of the existing buildings, which are not of any great merit and are in poor condition, is considered acceptable and should be supported.

In regard to the redevelopment scheme it proposes a straightforward replacement of socially rented housing stock. As this maintains the established use, which is one that is wholly acceptable within this wider residential area, the general principle of the development is supported.

In regard to the principle of increasing the number of units, policy guidance does seek to encourage the more efficient use of previously developed land and

therefore there is potential for higher density development on sites where it is appropriate. In this case, the proposal replaces 8 units with 14 units, and given the size of the site and the proposed layout, this is considered to be entirely appropriate.

ii) Visual implications, scale, layout and design -

The scheme provides three mini-terraces in place of four pairs of semi-detached properties. Although the established grain of the street is largely that of semi-detached pairs, the neighbouring roads provide a mixed backdrop of housing type that includes numbers of detached dwellings and multiple short terraces. Considering this broader picture the layout proposed, due to the relatively short narrow width of each terrace and the prominence of the breakages between them, is considered suitably reflective of the local character.

The scheme maintains linear street-facing development that loosely accords with the established building lines to the front and rear. By maintaining these lines the resultant overriding layout provides development within acceptable parameters in terms and results in a positive relationship with the street.

The scheme respects overall building parameters, e.g. ridge heights, and seeks to improve the relationship of development with the street and the access for occupiers. By providing development at single storey level to the frontage, the properties will appear as bungalow development to the street, however, the ensuing form is considered acceptable in this location. The retention of the building heights close to that which exists, is also a positive aspect of the design. In addition to visual acceptability, the design also provides wider benefits in that the layout provides for a far superior arrangement in terms of access.

In respect of landscape the scheme is considered to provide an appropriate combination of soft and hard landscaping, and brings forward improved parking facilities (20 spaces to serve 14 units, in place of the existing 8 spaces to serve 8 units). Although, due to the provision of parking, there is only limited softening of the development to the frontage, by providing some parking to the side of some of the plots, the scheme has the potential for some soft landscaping to the street frontage.

iii) Neighbour amenity considerations -

Amenity issues centre on the impact upon other residents within the street and occupiers within adjacent plots to the rear on Maidenway Road. The pertinent issues are considered to be the potential loss of privacy/ resultant overlooking, or the loss of light, outlook, or the creation of an overbearing relationship. Highway/parking implications will be covered separately below.

All matters considered the development would not have any significant material impact upon the amenity of those living within Southview Road. The scheme

provides development of a similar domestic scale and footprint as to that which exists and although there is a minor movement of the building lines, these changes will not increase overlooking, lower light ingress, or diminish outlook.

It is appreciated that there is an increase in the density of development, which itself may result in additional movement in and around the area, however the layout is not considered cramped or overbearing, but merely the efficient use of land.

In regard to the relationship with plots off Maidenway Road and the resultant amenity issues to the rear, as the location and scale of the units are largely maintained, it would appear that the established relationships will remain unaltered. It is therefore considered that the scheme does not result in any demonstrable harm to amenity, due to the fact that the proposed relationship is similar to the existing relationship.

iv) Highway matters, parking and access -

The proposal provides 20 off-street parking spaces for the 14 dwellings via a mix of staggered and perpendicular bays set to either the front or the side of the units. The proposed parking numbers and layout accord with policy guidance and hence there is no overriding concern with regards to the parking provision and the solution presented.

In terms of detail, the scheme, which shows both angled and perpendicular bays, presents a workable solution for suitable access and egress requirements on what is a relatively narrow street (when considering the level of what appears to be informal on-street parking on the opposite side of the carriageway).

With consideration of the existing arrangement, whereby 5 dwellings benefited from off-street parking and 3 were absent of any on-site provision, the proposal to provide uniform off-street parking throughout is considered an improvement on the current situation. Therefore, although there is an increase in the density of development and hence vehicular movements, the improved provision and spread of parking on-site means that there is unlikely to be any demonstrable highways impact.

The provision and layout of the parking is supported by the Authority's Highways Department.

Closing the gap -

The scheme proposes the replacement of out-of-date social housing, by providing modern homes in a sustainable location within an established residential area and supported by suitable outdoor amenity space and parking provision. The proposal looks to use the land more efficiently and in doing so proposes to provide 14 social-rented units in place of the 8 which currently sit on the site. The scheme, which comes with the support of the Authority's Affordable

Housing Team, is considered a positive step in uplifting the residential environment for those in need of social housing.

Climate change -

The proposal removes outdated living units set within large plots and provides the opportunity for the more efficient use of land and the supply of more energy efficient modern housing. As socially rented units, the houses will be required to meet code 3 of the Code for Sustainable Homes. The result being that the units are more easily maintained, cost less to heat and run, and thus reduce the resultant energy need per unit.

S106/CIL -

Inline with Council adopted Policy 'outer ring' sustainable development contributions for affordable housing schemes are not sought. The proposal would, however, need to be subject to a S106 agreement with clauses to ensure the provision of the units as social housing, or in the absence of this to secure the full complement of planning contributions inline with adopted policy.

Conclusions

The principle of the proposal is considered acceptable. The redevelopment of outdated and dilapidated housing units with new, energy efficient units supplemented with private parking and private outdoor amenity space, is entirely positive. The design and layout is considered acceptable and there will not be a significant impact on the amenities of the neighbouring occupiers. As such, subject to the resolution of a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning (within 6 months of the committee date), the proposal is recommended for approval with appropriate planning conditions.

Conditions

Submission of external materials

Submission of a detailed hard and soft landscaping scheme & the delivery thereof

Submission of details on all retaining / elevated structures

Provision of parking facilities as laid out

Provision of Sustainable Urban Drainage

Removal of Permitted Development Rights

Relevant Policies

-

Application Number

P/2011/0856

Site Address

Former General Accident Fire & Life
Assurance Plc General Buildings
Greenway Road
St Marychurch
Torquay
Devon
TQ1 4PN

Case Officer

Mrs Ruth Robinson

Ward

St Marychurch

Description

Demolition of building and erection of 7 retail units (for purposes within Use Classes A1, A2, A3, A4 and/or A5) and 4 residential dwellings with associated highways works, car parking and landscaping

Executive Summary/Key Outcomes

This application was considered by the Development Management Committee at its meeting of the 19th September and deferred for further consideration of Highway matters and design. The original report is appended.

In summary, the Highway concerns related to expenditure of SPD sustainable transport contributions, access to houses on Greenway Lane, the impact of the service bay on pedestrian movement and the practicality of its use, and the rationale for the public transport improvements (including the location of bus stops).

In relation to design, the comments from English Heritage were that their previous concerns had not been met. These related to the need to create a meaningful street frontage and to resolve height and boundary relationships. They also wanted to ensure that the residential units occupied the most comfortable and contextually suitable relationship with the retail building.

In response to these concerns, the proposal has moved forward as follows:-

The bus stop is to be relocated slightly closer to the vehicular entrance to the site and the kerb build out reduced to alleviate impacts on the free flow of traffic and on pedestrians. They have set back the give way markings to allow the bus to approach square on and have introduced raised kerbs.

In terms of the service bay it has been demonstrated through swept path analysis that this is practical. They are agreeable to conditions being imposed in relation to timings of servicing and size of vehicle.

The access to the mews houses is tight but workable based on swept path drawings. There will be a large forecourt to the properties to facilitate parking. This needs to be carefully detailed to ensure that it is acceptable in the street scene and revised plans are awaited.

Works to improve the attractiveness of the link through resurfacing in an appropriate material are to be submitted once considered in more detail by the landscape architect for the scheme.

In terms of the S106, a sum of £25,000 is offered to cover the cost of relocating the existing shelter and link enhancements. It will only be clear if this is sufficient once details of improvements to the link are agreed and costed.

In design terms, discussions have been held to improve the quality of the entire public realm and a more sympathetic response to the character of the site and to the treatment of the Greenway Lane link and beyond this to the precinct. Details are awaited.

The parapet detail and the treatment of the corner to the anchor store have been raised as needing more attention as has the window division in the glazed areas that form the main approach to the anchor store. An additional window to the flank of the mews cottage has been included to overlook the Greenway Lane link more effectively. Details of the frontage treatment of the properties on Greenway Lane are awaited.

It is felt that these amendments will overcome the concerns voiced.

Of particular importance is the need to fully address the quality of the public realm within the scheme and how this is carried through to link in a meaningful way with the precinct. Done well, this will create a real sense of place and facilitate and encourage linked trips. This will help overcome English Heritages concerns about creating a meaningful street frontage and Highways concerns about legibility and pedestrian activity.

Recommendation

Approval, subject to the conclusion of a S106 Agreement to secure developer contributions in line with the SPD, conditions as itemised at the end of the main report with the addition of further conditions in relation to a servicing plan, screening to Kingsbridge, replacement of timber fence on Greenway Lane and the submission of revised plans which address the matters highlighted above.

Executive Summary/Key Outcomes

Revised proposals have been submitted showing that a mixed use redevelopment of this redundant site in the centre of St Marychurch can be successfully integrated with the adjacent District Centre and can help support its retail function. The revised proposals overcome previous concerns expressed in the withdrawn report to Development Management Committee on the 31.03.11. and will result in a well designed scheme that delivers benefits to St Marychurch and Torbay.

Recommendation

Committee site visit: Approval, subject to the conclusion of a S106 Agreement to secure developer contributions in line with the SPD, conditions as itemised at the end of the report and the submission of revised plans which address the following matters:

1. Modifications to the design of the roof to pod unit and unit 5 and to entrance to main block.
2. Amendments to landscape proposals.
3. Reduction in height of the 4 dwellings, deletion of integral garaging and inclusion of windows to elevation overlooking link to Greenway Lane.
4. Screening to 'Kingsbridge'/design of service entrance.
5. Receipt of English Heritage comments.

Site Details

The GA building is a 2 storey office building which has been vacant for at least 10 years. It was constructed in the 1960s and now has a dated and neglected appearance that is out of character with the predominantly Victorian streetscape which typifies this part of the St Marychurch Conservation Area. The building fronts the busy junction of Greenway Road, St Marychurch Road and Fore Street and is adjacent to the boundary of the defined District Centre.

Vehicular access to the car parking area to the rear is found to the west of the building close to the no entry sign on Greenway Road. Bordering the car park is a narrow vehicular route at Greenway Lane, which is backed by a terrace of Victorian dwellings which directly overlook the site. The rear of shops within the nearby St Marychurch District Centre forms the eastern boundary to the site.

The existing frontage to the site comprises planting, pavement and a bus stop. To the west of the site is Kingsbridge, an attractive Victorian villa and to the east

the Corinthian Babbacombe Sailing Club and the Co op supermarket. Opposite the vehicular access to the site is Alderbourne, a Grade II listed building. The frontage to the opposite side of St Marychurch Road is an attractive 2-3 storey Victorian terrace which sympathetically addresses the corner into Fore Street.

Detailed Proposals

This is a revised application responding to design concerns identified in the previously withdrawn application, P/2010/1404.

It is a full application for the replacement of the existing building with a mixed residential/retail/commercial development, which comprises 1000m² of retail floor space in up to 7 units of various sizes and requested to be in classes A1, A2, A3, A4 and A5.

The submitted plans indicate a larger anchor unit of 370m² located adjacent to Greenway Road with a Sainsbury's Local store as the likely occupier. To the rear of this is a run of single storey retail/commercial units extending two thirds of the way into the site. A pedestrian route to Greenway lane separates this from a detached single storey retail unit that sits at the head of the site. A smaller 'pod' retail unit is located adjacent to the Corinthian Sailing Club and wraps into the site.

6 car parking spaces are provided parallel to the retail units. A servicing bay is incorporated into the extended footway adjacent to the anchor store.

The design approach is traditional, utilizing render finish, steeply pitched slate roofs with traditionally styled shop fronts.

The scheme includes 4, 3 bed houses facing the back of dwellings on Greenway Lane with off street car parking.

The footways along Greenway Road/St Marychurch Road are to be widened to provide a more extensive public realm. It is also proposed to relocate the bus stop from its current position closer to the junction with Fore Street, improve the bus shelter on Manor Road and provide a new stop on Fore Street. 4 on street car parking spaces are to be provided on Greenway Road.

Summary Of Consultation Responses

English Heritage: Observations awaited.

The previous withdrawn application was considered by the Design Review Panel on the 4th February. In summary its comments are:-

1. The use of separate parking and service accesses creates an interrupted street frontage and creates more 'edges' to the scheme.
2. The relationship to Greenway Lane needs to be improved and made more positive.
3. The linear nature of the parking creates difficulties of manoeuvring and access.
4. Concerns at long term viability of units to the rear of the site due to limited footfall.
5. A single retail occupier with residential may ease conflicts.
6. In order to relate to context and to avoid amenity issues, the scale of the scheme to the front should be increased and that to the rear reduced.
7. The flat roofed pod and views from the west are unresolved
8. Questioned the ability of planters to create a quality landscape scheme.
9. Felt that the scheme could benefit from a more profound urban analysis of its relationship to the town.

The full comments have been reproduced and placed in the Members Room and it will be explained in the body of the report how these matters have been addressed.

Highways: Observations awaited.

Summary Of Representations

It is appropriate to include the objections received in relation to the withdrawn application where these relate to matters of principal that are not necessarily overcome by the revised application.

A petition signed by 2000 people was received in relation to the withdrawn application objecting to a new supermarket being located on this site due to its impact on the shops within the existing centre.

Previous concerns from neighbours on matters of principal were:

Impact on existing shops and supermarkets within the District Centre

Increased traffic/congestion, impact on junction of Priory Road and Greenway Road

Lack of car parking

Arrangement of parking within the scheme which will be hazardous to vehicular and pedestrian safety

Concern at movement of bus stop

Impact on amenity from servicing vehicles/plant/noise activity/overlooking

At the time of writing, the following comments have been received in response to the current consultation.

Concern at pushing building and pavement out with landscaping whilst moving bus stop closer to Coop car park entrance.

Residents backing onto Greenway Lane claim that the Lane is in their ownership and used for parking. The inclusion of new houses that will use the lane for access will inhibit access to their parking spaces and create obstruction and congestion.

Concern at height and impact of new dwellings on privacy/light.

Any further comments will be reported verbally.

Sainsbury's are keen to occupy the site and have written explaining the benefits they will bring to the centre and that the scheme will create 20 local jobs and achieve significant regeneration

All letters of representation, the petition and supporting information from Sainsbury's have been placed in the Members Room.

Relevant Planning History

P/2006/1070: Demolition of building and construction of supermarket and 14 2 bed flats. Withdrawn.

P/2010/1404: Redevelopment to provide 7 retail units [for uses within classes A1,2,3,4,5]4 residential dwellings, highway works, car parking and landscaping. Withdrawn.

Principle and Planning Policy -

There are a number of key issues to consider as follows:-

1. Existing condition of the site.
2. Impact on the existing shopping centre.
3. Design and layout.
4. Highways/congestion/car parking.

1. Existing Condition of the Site.

The existing building is neglected and dated in appearance. It is prominent within

the St Marychurch Conservation Area. It's redevelopment is long overdue and is welcomed. The site is overgrown and subject to some tipping.

In terms of the impact on the existing shopping centre, the site is located at the edge of the defined District Shopping Centre and as such the relevant policies are nationally, PPS4 'Planning for Sustainable Economic Growth' and locally, policies SS, S6, S8 and S9 of the Saved Torbay Local Plan.

2. Impact on the St Marychurch District Centre.

The acceptability of the proposal has to be tested in terms of its impact on the retail function of the shopping centre, it has to be sequentially preferable and has to meet standards in terms of design and sustainability. A Retail Impact Study [RIA] has been submitted, even though at the proposed scale of use it is not mandatory, and this has been evaluated by officers. The study assessed the broad health of the centre, the likely impact on turnover and included shoppers surveys to establish shopping patterns and likely future behaviour. It concluded that the health of the centre was good, that the size and scale of the scheme was acceptable and that the impact on turnover was low at around 4%.

The shoppers survey identified that a high proportion of shoppers [48.4%] visited the centre on foot and that 67.5% would combine a visit to the proposed development with a trip to the existing facilities in St Marychurch. 90 per cent of those surveyed indicated that they would carry out these linked trips on foot. Given that the shoppers profile revealed a strong tendency to access the centre on foot and to carry out linked trips it is likely that the identified impact on turnover and existing shops will be mitigated if 'linked trips' can be secured through an appropriate design that achieves a more permeable relationship to the adjacent District Centre. A Sainsbury's store will exert a strong pull and be attractive to shoppers particularly for walk in 'top up' shopping as confirmed in their supporting information. If links to the existing centre are reinforced, this could significantly benefit the centre's long term future as shoppers will be able to easily carry out linked shopping trips.

Sainsbury's supporting information provides case studies in similar sized centres where they indicate an overall increase in turnover following their stores becoming established. It is likely, based on the information provided, that investment by Sainsbury's could result in an overall increase in turnover by other retailers in the area.

It is thus considered that the scale of development is such that it will not harm the centre and that the proposed regeneration of the site would be beneficial to the overall range and quality of the retail offer in St Marychurch if the scheme is integrated to the centre in a way that will support and encourage linked trips. The recent revisions to the design of the scheme focus on creating improved links to the centre and enhancing the public realm to facilitate pedestrian movement.

The application requests permission for A1,2,3,4 and 5. There needs to be some control over the location of uses that have the potential to cause nuisance such as A5 and a condition is suggested to deal with this.

3. Design.

In terms of design, PPS4 'Planning for Sustainable Economic Growth' is relevant. Policy EC10, whilst explaining that applications for economic development should be regarded favourably, requires LPAs to fully consider whether a scheme secures a high quality and inclusive design which takes the opportunities available for improving the character, quality and character of an area and how it functions.

This advice is reiterated in policy EC17 of PPS4, which relates to edge of centre retail developments such as this. The fact that the site is sensitive in terms of its prominence within the Conservation area and proximity to listed buildings supports the legitimacy of concerns about design.

The withdrawn scheme exhibited a range of design deficiencies which were reflected in the putative reasons for refusal. These were, in summary, that the scheme was self contained and not well integrated to the centre with disruptions to the frontages from the 2 vehicular accesses which would exacerbate its impact on the vitality and viability of the centre, that it related poorly to the form scale and appearance of the Victorian Town Centre, adversely affecting key views and adjacent listed buildings, that it created a poor pedestrian experience, that it provided a poor residential environment and adversely affected the amenity of neighbours. The scheme has been substantially revised to overcome these concerns.

The layout of the withdrawn scheme was a self contained 'cul de sac' and it would have operated as a 'stand alone' retail outlet with a consequent impact on the vitality of the centre. It was served by 2 vehicular access points which disrupted the frontages and the pedestrian footways. The approach in the revised scheme has been to delete the service access, to provide more space for pedestrian movement and for the arrangement of buildings and to treat the layout more as a natural extension to the centre through opening up links from the rear of the site via Greenway Lane to the centre, reinforcing pedestrian links along Greenway Road by extending the footway and enhancing the public realm.

In terms of its relationship to the character form and appearance of the town centre and its impact on listed buildings/ key views, the design is improved through an increase in scale of the buildings to the front of the site, by announcing the corner more effectively and by modifications to the style of the roof design to the main building and to the 'pod' building to create a more consistent and sympathetic roofscape. There are some minor amendments to the overall design of the scheme needed but these are itemised in the recommendation section and have been agreed in principle by the applicants.

The concerns about the quality of the proposed residential environment has been met by the deletion of flats in a 2/3 storey block to the rear of the site and the construction of 4 family sized homes with gardens overlooking Greenway Lane. In the submitted plans these are shown as 3 stories with integral garages which would relate poorly to the scale of buildings to the front of the site and be too imposing on the Victorian terraces they overlook. The applicants have agreed to reduce this to 2 stories and to include curtilage car parking. This will result in a better scale relationship across the site, a more active frontage with better overlooking of Greenway Lane and a lessening of the impact on the amenity of existing dwellings.

It is important that the flank elevation to the terrace which overlooks the pedestrian link to Greenway Lane is redesigned to include windows to provide greater surveillance and that the boundary treatment is properly resolved. These details are awaited and if received in time will be reported to Committee.

There were concerns in the withdrawn scheme about the quality of the pedestrian experience created. Pedestrian areas were tight, poorly designed, disrupted by vehicular accesses and by the pedestrian space within the scheme being dominated by the backdrop of the rear of the shops on Fore Street. These concerns have been overcome reducing disruptions to footways and frontages through the deletion of the service access, enhancements to the pedestrian realm through rationalising and extending footways fronting the site, the provision of more space within the site for pedestrian movement and the use of a landscape architect to look at the treatment of spaces and linkages to create a 'sense of place' that will tie it into the character of St Marychurch. The modification to the pod building has helped screen the backdrop to the public space and planting proposals have been supplied which will in time complete the softening. These proposals, whilst welcomed, do need to be upgraded to ensure a quality public realm is achieved and extended in scope to include the treatment of the Greenway lane link and the applicant has agreed to this.

In terms of the impact on existing residential amenity, this has been mitigated as a consequence of the new layout, by improved roof design to the main anchor store which fully encloses plant and by improved design to easily visible parts of the building. The revised proposals provide an opportunity to screen, via a landscaping scheme, the outlook from 'Kingsbridge'. The applicants are working on this which can, in any event, be secured through a condition.

It is felt that in design terms the scheme is now satisfactory and importantly delivers a scheme that is integrated with the existing centre and has developed a sense of place through improved design and a high quality public realm.

Concerns about the ownership of Greenway Lane and the ability of the new dwellings to use this for access will be investigated and reported verbally.

Highways/congestion/parking -

This is a matter of general concern to residents who consider that there is insufficient parking that it is poorly arranged, and that the location of the access will jeopardise vehicular and pedestrian safety. Residents also consider that traffic will back up at the junction to the site and that the relocation of the bus stop should be resisted. This revised scheme provides for a similar level of car parking for customers but is improved from the previous scheme in that the parking to serve the residential elements of the scheme is now not accessed from the main entrance to the site.

It is evident from the RIA that a large number of shoppers [almost 50%] will walk to the proposed store/retail centre and a higher percentage, 67.5% would make linked trips. In terms of the Local Plan, Policy T25 specifically states that car parking standards in relation to retail developments will not apply to schemes in Town and District Centres as the LPA will want to encourage the use of existing off street parking. If on site car parking is minimised, this will reduce congestion around the proposed access, encourage use of nearby public car parking and thus increase the likelihood of linked trips. On this basis and taking into account the District Centre location of the development and the proximity of public car parking, the level of car parking is considered acceptable

Comments from Highways in respect of the revised scheme and particularly the works to extend the footways and works to bus stops are awaited and will be reported verbally.

Economy -

This application does result in the loss of employment floor space contrary to policy EC6 of the Saved Torbay Local Plan. However given that it is of poor quality, has not been occupied for over 10 years and that the proposed use will create alternative employment it is considered that the redevelopment of this building will have a positive effect on employment opportunities. The scheme will provide around 20-25 jobs within the anchor store, and up to 50 across the site as a whole with around 70 jobs during construction. . There are significant regeneration benefits arising from the loss of the current building which is in a poor state and of an unattractive design. The value of the scheme in terms of investment is around £4 million.

Closing the gap -

Providing improved retail facilities adjacent to existing centres will assist those who are less mobile, the redevelopment of a redundant site will reduce opportunities for vandalism and anti social behaviour, the provision of new homes will help meet the shortages in supply and will secure New Homes Bonus.

Climate change -

The scheme is to be constructed to BREEAM Good standard. A Sustainability

Audit can be requested to ensure that the development operates to best practice.

Environmental Enhancement -

These matters are detailed in the body of the report.

Accessibility -

These are largely detailed in the body of the report. In addition, parking for disabled customers is to be provided and secure lit cycle parking.

Vibrant Town Centres -

This will have a beneficial effect on the vitality and viability of the Town Centre as links to the existing centre are now reflected in the design.

S106/CIL -

A S106 Legal Agreement would be required in relation to this scheme and would be in line with the SPD 'Planning Contributions and Affordable Housing'. This will cover Waste, Sustainable Transport, Greenspace and Lifelong learning in respect of the dwellings and sustainable transport contributions will be required to meet the impact of the retail element of the scheme. This will partly meet the costs of relocating and enhancing bus stops.

Conclusions

The site has been vacant for over 10 years and redevelopment for a retail scheme of this scale is acceptable and welcomed. PPS 4 indicates that applications for economic development should be supported where locational criteria and design concerns are met. The recently published Draft National Planning Standards advises that planning permission should be forthcoming where sustainability criteria have been met and where proposals accord with policy. It is felt that the revisions to this scheme will deliver a more pedestrian friendly experience, will increase permeability and improve integration. This will act in a way that reinforces the District Centre through facilitating the high level of top up shopping and promotion of opportunities for linked trips highlighted in the RIA and in the supporting letter from Sainsbury's.

The revisions have produced a scheme that is sympathetic to the character and appearance of the Conservation Area and to the neighbouring occupiers and buildings.

Conditions

1. 1:20 details of key features.
2. Samples of materials.
3. Implementation of approved landscape scheme including treatment of widened footways, links, boundary treatments and screening proposals.
4. Implementation of modifications to bus stops.

5. Details of waste collection.
6. Identification of use class for each unit.
7. Removal of PD in respect of residential dwellings.
8. Implementation of BREEAM Good/Sustainability Audit.
9. Details of plant/ventilation/extraction.
10. Measures to ensure that shop fronts remain open and not obscured by internal displays.
11. Submission of Travel Plan.
12. Implementation of car parking/cycle parking and retention for customer use.
13. Provision and retention of link via Greenway Lane to the District Centre.

Relevant Policies

- PPS1 Delivering Sustainable Development
- PPS5 Planning for the Historic Environment
- PPS4 Planning for Sustainable Economic Growth
- SS Shopping strategy
- S6 Retail development outside identified To
- S8 Hot take-away food
- S9 District Centres
- ES Employment and local economy strategy
- E6 Retention of employment land
- HS Housing Strategy
- H9 Layout, and design and community aspects
- H10 Housing densities
- BES Built environment strategy
- BE1 Design of new development
- BE5 Policy in conservation areas
- BE6 Development affecting listed buildings
- TS Land use transportation strategy
- T1 Development accessibility
- T2 Transport hierarchy
- T25 Car parking in new development
- T26 Access from development on to the highways
- CF6 Community infrastructure contributions
- W7 Development and waste recycling facilities

Application Number

P/2011/0799

Site Address

Old Toll House
Torbay Road
Torquay
Devon
TQ2 5JA

Case Officer

Mrs Ruth Robinson

Ward

Tormohun

Description

Extend time limit - Formation of roof terrace, modifications to lift - P/2008/0980.

Executive Summary/Key Outcomes

This is an application to extend the time for implementation of a roof terrace. It is considered that the proposal would overwhelm and dominate the listed building with adverse impacts on its architectural character and on the setting of Rock Walk Gardens and the wider Conservation Area.

This scheme was originally approved in 2008, contrary to officer's advice, as the applicant argued that the roof terrace was essential to securing a serious occupier and imminent refurbishment of this building. In the absence of such imminent refurbishment and given the concerns that remain over the impact of the development on the setting of the building and the wider Conservation Area, it is not considered that the time limit for the implementation of this permission should be extended.

Recommendation

That planning permission is refused for the reason set out at the end of this report.

Site Details

The Toll House is a Grade II Listed Building located at the junction of Abbey Crescent with Rock Walk Gardens, a Grade II entry of the Register of Historic Parks and Gardens. It is Council-owned but let on a long lease to the applicant. It was formerly used as a shop and public toilets. It is in a poor state of repair. A mature and attractive Copper Beech is located immediately adjacent to the building within Rock Walk Gardens.

Planning permission and listed building consent were granted in 2005 for a change of use to a café/bar and erection of a 2 storey extension. In 2008, approval was granted for the inclusion of a roof terrace above the proposed extension. None of these works have been implemented.

Relevant Planning History

P/2005/1369/LB	Demolition of part of existing building; extension and change of use to café bar. Approved 26/9/2005.
P/2005/1368/PA	Demolition of part of existing building; extensions and change of use to café bar. Approved.
P/2008/0980/PA	Inclusion of roof terrace and modifications to lift: Approved
P/2008/0981/LB	Inclusion of roof terrace and modifications to lift: Approved.
P/2010/0974	Extend time limit for implementation of P/2005/1369: Delegated approval granted subject to a S106 Agreement which has not been signed.
P/2010/1052	Extend time limit for implementation of P/2005/1368: Delegated approval granted subject to a S106 Agreement which has not been signed.

Relevant Policies

PPS1 "Delivering Sustainable Development"
PPS5 "Planning for the Historic Environment"

Torbay Local Plan 1995-2011 -

- BES Built environment strategy
- BE1 Design of new development
- BE5 Policy in Conservation Areas
- BE6 Development affecting Listed Buildings
- BE8 Historic Parks and Gardens.

Proposals

The application is for an extension of time for implementation of an extension to the Toll House and construction of a roof terrace above, including a modification to lift.

Consultations

Conservation Officer: The proposal would adversely affect character and architectural quality of the Toll House which is a Grade II Listed Building and the setting to Rock Walk Gardens which are a Grade II entry on the Register of Historic Parks and Gardens.

Representations

None received to date.

Key Issues/Material Considerations

Planning Principle and Policy.

In 2005, planning permission and listed building consent were granted to change the use of the Toll House to a café bar and to erect a 2 storey extension.

This proposal involved the demolition of more recent unattractive extensions to the Toll House and their replacement with more contemporary extensions to provide a 'café bar' use. The extensions were to be largely glazed, with stone,

lead and aluminium detailing. A very modern style was thought to be appropriate in order to create a clear contrast with the character of the Toll House and the scale and form of the extension was subservient to the listed building. This solution was arrived at after lengthy negotiations to achieve an appropriate scale of development that did not overwhelm the diminutive Toll House.

This proposal has not been implemented and applications have been made to extend the time for implementation. These have been approved under delegated powers but the applicant has not signed the s106 due to the increase in the sustainable transport contributions arising from the SPD which became adopted policy since the original approval in 2005.

In 2008, planning and listed building applications for a roof terrace above the approved extension and modifications to the lift were submitted. It was recommended for refusal for the following reasons.

It was thought that the extension to accommodate the lift would create a three storey blank elevation in a particularly prominent location. The roof terrace would increase the height and prominence of the approved extension considerably. It is considered that this would be damaging to the Listed Building, to the setting of Rock Walk Gardens and to the wider Conservation Area. It was considered that the roof terrace would result in a form of development that would overwhelm the Listed Building and seriously damage its architectural character and integrity.

The applicant, at the time argued that some outside space was essential if this project was to be delivered and that he had a reputable and serious occupier ready to sign up if only the issue of outside seating for smokers was resolved. As a consequence, Members overturned the officers recommendation that planning permission and listed building consent be refused due to the positive impact the scheme could have in providing economic regeneration. The scheme has not been implemented and it is officer's opinion that this extension of time should not be granted as the erection of the roof terrace would be damaging to the character and architectural quality of this listed building by virtue of its position, appearance and relationship to the Toll House.

The imminent implementation of a scheme of refurbishment and the consequent regeneration impacts of the scheme clearly influenced Members views in considering the scheme in 2008, such delivery has failed to materialise and it is thus recommended that there is no justification for extending the life of this permission.

Economy -

The roof terrace alone would not create additional permanent jobs, the economic regeneration benefits are fairly minimal and given the lack of speedy delivery of this scheme there are now no fundamental economic benefits of extending this consent. The application to change the use of and more modestly extend the

building are agreed subject to a S106 agreement being signed.

Environmental Enhancement -

Regeneration of this listed building can be secured via the agreed scheme, without the need for the implementation of this roof terrace.

Conclusions

It is considered that the harm the scheme would cause to the Listed Building, the Conservation Area and the adjacent Rock Walk Gardens is such that permission should be refused. A site visit is recommended.

Recommendations:

Committee Site Visit: Refusal.

Condition(s)/Reason(s)

01. The proposed roof terrace, and modifications to the lift would constitute an overwhelming, incongruous and dominating feature which would be damaging to the architectural character of the Toll House which is a Grade II Listed building. It would also adversely affect the setting of the adjacent Rock Walk Gardens which is a Grade II entry on the Register of Parks and Gardens and the character and appearance of the wider Belgravia Conservation Area. As such, the proposal is contrary to PPS5 'Planning and the Historic Environment' and policies BES, BE1, BE5, BE6 and BE8 of the Saved Torbay Local Plan 1995-2011.

Relevant Policies

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Application Number

P/2011/0802

Site Address

Old Toll House
Torbay Road
Torquay
Devon
TQ2 5JA

Case Officer

Mrs Ruth Robinson

Ward

Tormohun

Description

Extend time limit - Formation of roof terrace, modifications to lift.
P/2008/0981/LB.

Executive Summary/Key Outcomes

Listed building consent should be refused as the proposal would have an adverse affect on the architectural character of the Listed building, on Rock Walk Gardens and the wider Conservation Area.

Recommendation

Refusal of listed building consent

Site Details

The Toll House is a Grade II Listed Building located at the junction of Abbey Crescent with Rock Walk Gardens, a Grade II entry of the Register of Historic Parks and Gardens. It is Council-owned but let on a long lease to the applicant. It was formerly used as a shop and public toilets. It is in a poor state of repair. A mature and attractive Copper Beech is located immediately adjacent to the building within Rock Walk Gardens.

Planning permission and listed building consent were granted in 2005 for a change of use to a café/bar and erection of a 2 storey extension. In 2008, approval was granted for the inclusion of a roof terrace above the proposed extension. None of these works have been implemented.

Detailed Proposals

Roof Terrace and modifications to lift.

Summary Of Consultation Responses

Conservation Officer: The proposal would adversely affect character and architectural quality of the Toll House which is a Grade II Listed Building and the setting to Rock Walk Gardens which are a Grade II entry on the Register of Historic Parks and Gardens.

Summary Of Representations

None.

Relevant Planning History

P/2005/1369/LB	Demolition of part of existing building; extension and change of use to café bar. Approved 26/9/2005.
P/2005/1368/PA	Demolition of part of existing building; extensions and change of use to café bar. Approved.
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P/2010/1052	Extend time limit for implementation of P/2005/1368: Delegated approval granted subject to a S106 Agreement which has not been signed.

Key Issues/Material Considerations

Principle and Planning Policy -

Planning Principle and Policy.

In 2005, planning permission and listed building consent were granted to change the use of the Toll House to a café bar and to erect a 2 storey extension.

This proposal involved the demolition of more recent unattractive extensions to the Toll House and their replacement with more contemporary extensions to provide a 'café bar' use. The extensions were to be largely glazed, with stone, lead and aluminium detailing. A very modern style was thought to be appropriate in order to create a clear contrast with the character of the Toll House and the scale and form of the extension was subservient to the listed building. This solution was arrived at after lengthy negotiations to achieve an appropriate scale of development that did not overwhelm the diminutive Toll House.

This proposal has not been implemented and applications have been made to extend the time for implementation. These have been approved under delegated powers but the applicant has not signed the s106 due to the increase in the sustainable transport contributions arising from the SPD which became adopted policy since the original approval in 2005.

In 2008, planning and listed building applications for a roof terrace above the approved extension and modifications to the lift were submitted. It was recommended for refusal for the following reasons.

It was thought that the extension to accommodate the lift would create a three storey blank elevation in a particularly prominent location. The roof terrace would increase the height and prominence of the approved extension considerably. It is considered that this would be damaging to the Listed Building, to the setting of Rock Walk Gardens and to the wider Conservation Area. It was considered that

the roof terrace would result in a form of development that would overwhelm the Listed Building and seriously damage its architectural character and integrity.

The applicant, at the time argued that some outside space was essential if this project was to be delivered and that he had a reputable and serious occupier ready to sign up if only the issue of outside seating for smokers was resolved. As a consequence, Members overturned the officers recommendation that planning permission and listed building consent be refused due to the positive impact the scheme could have in providing economic regeneration. The scheme has not been implemented and it is officer's opinion that this extension of time should not be granted as the erection of the roof terrace would be damaging to the character and architectural quality of this listed building by virtue of its position, appearance and relationship to the Toll House.

The imminent implementation of a scheme of refurbishment and the consequent regeneration impacts of the scheme clearly influenced Members views in considering the scheme in 2008, such delivery has failed to materialise and it is thus recommended that there is no justification for extending the life of this permission.

Conclusions

It is considered that the harm the scheme would cause to the Listed Building, the Conservation Area and the adjacent Rock Walk Gardens is such that permission should be refused.

Recommendations:

Committee Site Visit: Refusal.

Relevant Policies

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Application Number

P/2010/1388

Site Address

Land At Area 4 South
Scotts Meadow
Off Riviera Way, Browns Bridge Road And
Rear Of 1 - 21 Swallowfield Rise
Torquay
Devon

Case Officer

Mrs Ruth Robinson

Ward

Shiphay With The Willows

Description

Residential development to construct up to 155 dwellings with associated vehicular and pedestrian access, landscaping and public open space (In Outline)
This is a revised scheme THIS IS A DEPARTURE FROM THE LOCAL PLAN

Executive Summary / Key Outcomes

There is a quantitative and qualitative need for housing sites in Torbay, in order to meet the 5 year supply of housing land and to provide for demonstrable housing need. This site, although understandably of value as reflected in its designation as an Urban Landscape Protection Area in the Local Plan, is one of the least sensitive of the strategic housing sites identified through the Landscape Character Assessment. This document forms part of the evidence base for identifying appropriate sites for inclusion in the emerging Core Strategy. The assessment broadly recommends its suitability for development, providing key landscape characteristics are reflected in the design. The site is in a sustainable location in relation to existing housing, services and transport routes.

The submitted scheme has been amended during the course of the application to reduce the number of dwellings from approximately 200 to a maximum of 155 and to increase the amount of open space to around 4 hectares, around 50% of the site. This revised scheme better preserves the character and function of the open space and the variety of wildlife habitats. Public access to green space will now be available.

This is an outline application fixing only access. However, substantial illustrative material has been provided that shows a 'landscape led' approach which is considered appropriate. This is to be substantiated through Reserved Matters applications.

Management of the open areas through an Ecological Management Plan will ensure that habitats are properly preserved, avoiding continued degradation if the site if it is left unmanaged. The western part of the site is to be actively

managed as a County Wildlife Site. Off site mitigation is to be secured to fully mitigate the impact on biodiversity.

There is to be a S106 that will deliver a range of improvements to the locality including 30% Affordable Housing, improvements to the Highway network and community infrastructure contributions in line with the adopted SPD. 'Advance planting' will be needed to ensure that the screening gets established as a priority as does habitat management.

Recommendation

1. Site Visit.
2. That outline consent be granted, subject to the submission of design codes in respect of the proposed housing and the completion of a S106 Agreement in terms acceptable to the Executive Head of Spatial Planning, within 6 months of the date of this committee.

Conditions to be delegated to the Executive Head of Spatial Planning, including those identified at the end of this report.

Site Details

Area 4 South or Scotts Meadow as it is more widely known, is a prominent area of grassland bounded by the A3022 (Riviera Way) to the south, Kingskerswell Road to the west, and Browns Bridge Road to the east. To the north is Swallowfield Rise. Vehicular access to the site is from the north via Plantation Way.

The site is sloping and south facing, and is key in long views across the valley, the land acts as a 'gateway' on the main approach into Torquay, forming a transition between the suburban character at the edge of the town and the more open countryside to the west. To the north and east of the site is the Willows, a residential estate of about 1500 dwellings which was approved in the late 1980s, close by to the east is its busy District Centre. This has a suburban character typical of its time. Across the valley is the low density suburban settlement of Shipway which is long established and enjoys views across to the application site.

The site itself comprises a mix of habitats but is predominantly open unimproved grasslands with mature hedgerows, which are of ecological significance, that partly border and bisect the site. A steeply sloping highway bank defines the southern border to the site. This contains an important habitat of unimproved grassland and includes wild orchid colonies which are quite rare.

It is defined Urban Landscape Protection Area in the saved Adopted Torbay Local Plan 1995-2011 as a consequence of its prominence, its function as a

gateway to the town and its position in relation to adjacent countryside areas. It is much valued by local residents for its visual, ecological and biodiversity qualities and for the relief it offers in an area where a significant amount of new development has been implemented or is in the pipeline.

It was identified in the Strategic Housing Land and Housing Register as a potential housing site. It has been, in past years allocated for potential development and was included as a potential housing site in the earlier consultation on the Core Strategy.

The red line representing the application site also includes the Storm lagoon located to the east of Browns Bridge Road designed to cater for surface water run off from the wider area. The land is privately owned and fencing was recently erected to the perimeter of the site to prevent public access.

Detailed Proposals

This is an outline application with all matters, save access, reserved for future consideration. The application is accompanied by a Design and Access Statement, Landscape and Visual Appraisal, Transport Assessment, Ecological Study and Management Plan, a Noise Assessment, Air Quality Assessment, Flood Risk Assessment and a variety of plans which seek to confirm that the site can be developed in the manner indicated.

Initially, the application sought to accommodate around 200 homes on the site. Following concerns about the impact of this level of development on the landscape, function and biodiversity of the site, amended proposals were submitted which reduced dwelling numbers initially to 165 and increased the amount of the site that was left undeveloped. This has more recently been further revised to provide 155 dwellings and to further increase the amount of open space.

The overriding concept is of a 'landscape led' Masterplan which illustratively shows parcels of housing set within a landscape framework. It includes public open space and a play area within the scheme.

It is anticipated that a mix of housing types would be provided but with a predominance of family homes.

The scheme is to provide 30% affordable housing, highway improvements and will meet the requirements for local and community infrastructure as detailed in the adopted SPD 'Planning Contributions and Affordable Housing'.

The scheme is to be delivered in 2 phases, with the first phase being that around the entrance to the site adjacent to Plantation Way. This phase is to contain a high proportion of the affordable housing and will include delivery of the Play

Area.

The whole development will deliver around £1.28 Million over 6 years under the Governments New Homes Bonus (based upon band C houses and 30% affordable housing).

Summary Of Consultation Responses

In response to the original consultation on the scheme for 200 dwellings, there was opposition from Devon Wildlife Trust, Torbay Coast and Countryside Trust and the RSPB in terms of wildlife habitats. The Environment Agency also had concerns about the lack of on site mitigation for surface water run off with too much reliance on use of the off site Storm Lagoon. Natural England supported the scheme subject to no tree planting being carried out on the steep highway bank in order to protect the Orchid populations. Highways had no objection in principle subject to a range of improvements to the highway network and to pedestrian and cycling opportunities.

In response to consultations on the revised scheme for 165 dwellings, Devon Wildlife Trust and the RSPB withdrew their objection. The EA still maintained concerns about the method of dealing with of surface water run off.

Following the reduction to 155 dwellings the Environment Agency are broadly satisfied that there are improved opportunities for achieving on site mitigation.

The following is a summary of the relevant responses.

Highways: No objection in principle subject to the implementation, under a s 278 notice of the following works:

- a) Widening of the approach from Nicholson Road onto the existing roundabout to allow two lanes of traffic and double stacking of 3-4 vehicle lengths,
- b) Continuation of the shared cycle/footway route along Browns Bridge Road into Nicholson Road at the crossing point, to provide a link to the Willows shopping area,
- c) The provision of a link to the proposed cycle route within the development,
- d) The amendment of the roundabout to provide two continuous lanes of traffic around it with approach lines marked with arrows,
- e) The provision of a pedestrian route from the east of the site to Browns Bridge Road, and;

f) Surfaced pedestrian and cycle route from junction of Riviera Way/Kingskerswell Road through site as shown in the Master Plan.

The development will also have to meet the funding costs of road traffic orders.

Natural England: No objection to the original scheme subject to the deletion of Lime Trees on the highway bank. They welcomed the subsequent amendment and increase in open space and retained habitats.

Environment Agency: The most recent response offers support for the option of surface water being dealt with through the provision of a pond, which has been made possible by the recent scaling back in development along the southern boundary of the site.

However the Environment Agency require further clarification on the overall strategy.

South West Water: Have no objections, subject to conditions in relation to sewage works being implemented.

Devon Wildlife Trust: Objected to the original submission on the grounds of impact on biodiversity and unimproved grasslands. In relation to the revised scheme for 165 units they acknowledged that the proposal represented a reasonable compromise between the impact on biodiversity and the potential of the site for housing. They also recognised that the site is not under active management which in itself threatens the biodiversity of the site.

RSPB: Raised concerns in relation to the original proposal in terms of impact on Gull Bunting habitats. These concerns were eased by the reduction in numbers of units and increase in retained habitats. Active management of the site in a way that will maintain the existing habitats will be beneficial and a range of conditions are recommended to ensure that construction on site is properly managed and that future landscape management is appropriate. RSPB also recommend the incorporation of the nesting facilities into the buildings to ease impact on house sparrows, swallows and swifts.

Torbay Coast and Countryside Trust: Have raised concerns in relation to the original submission and later amendments.

Whilst they recognise that the new revised layout has increased the extent of retained habitat they would prefer to see no loss of biodiversity on site. In mitigation, they wish to see a very strong and properly resourced Ecological Management Plan in place for the site, which should include clear management measures for the grassland interest onsite and ensure that this habitat is not degraded through dogs and amenity use. In terms of off site mitigation, they would wish to see a detailed off site mitigation plan for a selected site which

needs to demonstrate how it can deliver a net gain for wildflower grassland species in perpetuity and evidence of how this will be delivered.

Torbay Civic Society: Indicated that the Council should show that there is a proven need for housing before committing to a large scale scheme such as this.

The Campaign for the Protection Of Rural England: Objected on the grounds that the site is not designated for housing, that it is premature and not needed to meet housing need, that priority should be given to brownfield sites, and that the Willows area has provided its fair share of new homes.

The Design Review Panel considered a 'pre app' scheme at its meeting of the 13th May 2010 and recommended that the context of the site be considered more critically both in terms of its links to surrounding facilities and in visual terms. They supported the landscape strategy but felt that a better relationship to topography would overcome some of the difficulties in developing a steeply sloping site. Maximising the advantages of solar gain from such a site was seen as an important point.

The need for surety about the balance of building to landscape and the capacity of an outline application to deliver this was raised. Rather than precedent studies of local architecture, more consideration should be given to identifying best practice in terms of integrating built form with sloping sites. The idea of creating a gateway feature and landmark buildings was rejected in favour of a more subtle design transition.

Summary Of Representations

There has been extensive public consultation in response to the original and revised planning application. The applicants have themselves carried out consultation exercises in relation to both schemes. The Scotts Meadow Action Group has submitted copies of questionnaires collected from residents attending the Community Partnership Meeting held on the 18th July. The TDA Affordable Homes Team carried out a consultation exercise in an attempt to identify the housing needs of hard to reach groups within the community.

There is strong local opposition to the scheme to develop Scotts Meadow. Over 120 objections to the original scheme were received in response to statutory public consultation. Whilst the number of responses reduced to around 40 in relation to the re advertisement, it should not be assumed that this implies acceptance of the proposals.

The response to the formal public consultation, is, in summary as follows:

1. Loss of open space. Central in views from Shiphay across the valley. Much valued as a Gateway to the town and for relief offered in an area seen as

being subject to considerable development pressure. In this context seen as imperative to preserve the areas of open space that remain. Attractive approach to the town seen as important for tourism.

2. Loss of wildlife habitats and special 'Meadow' flora and fauna that has become established on the site.

3. Traffic implications of increasing number of vehicles using the 'Sainsbury's' roundabout to access and egress the Willows. Consider that transport infrastructure is at breaking point particularly when the shops are busy given recent increase in retail floorspace. Preference for a separate access to the site direct from Riviera Way/Kingskerswell Road.

Specific concerns from residents of Plantation Way, Swallowfield Rise and Centenary Way about capacity of Plantation Way to accommodate the increased scale of traffic and the safety of the junction onto Centenary Way. Particular concern about the steepness of Plantation Way and its accessibility in bad weather. Ability of Emergency vehicles to negotiate roads questioned.

4. General concerns about the scale of development the area has already accommodated and continuing pressure for more. Impacts that this has on local facilities and services such as schools/doctors etc.

5. Premature decision and should await outcome of LDF/ Localism Bill/Neighbourhood Plans.

6. Many Brownfield sites, particularly B&Q site at Torre owned by applicant which should be developed first.

7. That new homes should be linked to new jobs and improvements to transport infrastructure with people feeling that no new development should be approved without the Link Road being in place.

There was 1 letter of support

The Statement of Community Involvement details the applicant's consultation with the community. The most recent consultation exercise carried out by the applicants identified a reduction in the level of opposition to the scheme with 60% of the respondents supporting housing on the site compared with 20% following initial consultation. This is described as being due to increasing awareness of the needs for housing and the increase in open, publicly accessible space. 120 people attended the exhibition but only 45 forms were completed.

Of the 57 questionnaires submitted by the Scotts Meadow Action Group, 53 were opposed to any development on the site, 4 were incomplete and discounted. The reasons for this were due to its ULPA status, impact on wildlife,

overdevelopment, single point of access, loss of gateway to welcome tourists, and prematurity pending the Localism Bill.

The consultation carried out by the TDA Affordable Homes Team was targeted at people in need of affordable homes. 2502 questionnaires were sent out to people on the SW homes and Devon Home Choice housing waiting list and of the 288 who responded, 90% supported the development at Scotts Meadow to help meet their need for accommodation.

All these documents are available in the Members Room.

Relevant Planning History

P/1999/0951: Housing and School/Community Use: Withdrawn.
P/2000/1208: Residential Development: Refused, 31.10.00. subsequent appeal withdrawn.

Identified for development in the Deposit Version of the Torbay Local Plan.

Subsequently allocated as Urban Landscape Protection Area in the Adopted Local Plan.

Key Issues / Material Considerations

Principle and Planning Policy.

There is a long history to development of this site. Scotts Meadow, or Area 4 South as it was described in the original brief for Scotts Bridge/ Barton has in the past been identified as a potential development site. However, in the Revised Deposit Plan 2000, the site was allocated as an Urban Landscape Protection Area having been previously identified (in the Deposit Version of the Local Plan) as a possible site for housing and a school.

The Inspector, in considering objections to the local plan did not support this designation and recommended that the site should be shown as a 'white area' considering that its release for housing purposes was not at that time justified (paragraph 3.17 of the Inspectors' Report refers). The Council took the view, due largely to the level of public support, to maintain the ULPA designation notwithstanding the Inspectors view. A High Court Challenge to this was unsuccessful and the ULPA designation for Scotts Meadow became part of the formally adopted Local Plan.

It is a difficult time to evaluate the future of this site as there are emerging changes in Planning policy at both a local and national level.

At a national level, the Localism Bill is being considered by parliament and this

will replace the housing targets included in the Draft Regional Strategy and seek to introduce more locally based means of encouraging 'sustainable' growth through Neighbourhood Plans.

The Draft National Planning Policy Framework has recently been issued for consultation and indicates the Government's intention to introduce a 'presumption in favour of sustainable development' and a clear intention to increase the supply and delivery of housing. The ministerial forward to the document indicates that development that is 'sustainable' should be approved without delay. The draft NPPF also requires that the Local Plan meets the full requirements for market and affordable housing, and planning authorities should maintain a 5 year (plus 20%) supply of specific deliverable sites.

The draft NPPF is controversial and may be amended prior to its final publication.

The Local Plan is now reaching the end of its operative period and it will be superseded by the Local Development Framework/new Local Plan. The draft Core Strategy (which may be rebadged as the Local Development Plan) will be published for consultation in October 2011. It is intended to publish a Pre-Submission version in Summer 2012. The Core Strategy, which is the focus of the LDF, will look to guide how Torbay will grow over the next 15-20 years.

It is necessary to examine the current position firstly in terms of a strategic delivery of housing and then to look at the situation at a local level.

PPS3 'Housing' requires Councils to have a 5 year rolling supply of available land for the delivery of housing. Recent appeal decisions have confirmed that this should be based on the figures contained in the Draft Regional Spatial Strategy, and up to date evidence of housing need. This means that the Council will be seeking to deliver around 500 dwellings per annum. Where a 5 year supply cannot be demonstrated, the guidance indicates that a planning application for housing should be considered favourably particularly if it achieves high quality housing, is sustainable and makes effective use of land.

There is also a significant amount of information about the extent of housing need most recently identified in the Exeter and Torbay Strategic Housing Market Assessment (2011 Update) which highlights a need for the delivery of around 820 dwellings a year. The evidence of need is likely to continue to be a material consideration even when the Localism Bill becomes law.

The Ministerial Statement accompanying the 'Planning for Growth' White Paper indicates a presumption in favour of development except where it would compromise key sustainable development principles and as stated, the emerging National Planning Policy Framework encourages growth and looks set to retain a 5 year housing supply target plus 20%.

Cumulatively, this indicates a need to be robust about identifying additional sites for housing to enable the 5 year supply to continue to be met and housing need to be better satisfied.

The Regulation 25 Core Strategy Consultation document [Sept 2009] identified options for development sites in order to meet identified need for homes and jobs. Scotts Meadow featured as a location for housing in 3 of the 5 options for growth.

In the emerging Core Strategy, Scotts Meadow is likely to be within the 'Torquay Gateway Cluster' and within that area of search, it is anticipated that around 1000 homes will need to be provided. The SHLAA identified Scotts Meadow and Edginswell as potential sites for housing within that area of search. At its meeting of the 9th September 2011 the Planning Policy Development Group [Local Development Framework] agreed to the emerging Core Strategy forming the basis for further community engagement during this Autumn. As noted, this is still a matter for public consultation as the principle of the "Torquay Gateway Cluster" has not yet been subject to full public consultation. Moreover, it is anticipated that the specific site allocations would be identified through Neighbourhood Plans. However, the resolution of this is some way off and a decision has to be made on this application in the context of current policies.

It is becoming increasingly clear that a failure to have sufficient land identified would prejudice the outcome of appeals and possibly lead to speculative applications on potentially more sensitive sites which may prove difficult to defend.

It is clear that there is, and will continue to be a need for housing sites, Scotts Meadow has some legitimacy as a housing site as it has featured in earlier options for growth, is identified in the SHLAA, and is within the Torquay Gateway Cluster which needs to yield space for 400 dwellings. It also needs to be considered in light of its suitability and sustainability. New housing sites will have to be identified and in an area like Torbay there are few sites that will not raise environmental or sustainability concerns either as a consequence of their site specific qualities or their locational impacts.

It is valid to test the suitability of Scotts Meadow in terms of the sustainability of its location and the likely environmental impacts in relation to other potential sites. It is worth noting in this context, that the Landscape Character Assessment of Torbay carried out in 2010 to help identify suitable locations for development, identified Scotts Meadow as one of the least sensitive in terms of landscape character and biodiversity.

One of the key policy threads in terms of bringing forward new housing sites is the sustainability of location. This is emphasised in existing and emerging policy at a strategic and local level. Policy H2 in the saved Torbay Local Plan, is

relevant, although it deals primarily with sites of less than 0.4 ha. It describes what is required of new unidentified housing sites in terms of their location and function. Scotts Meadow is sited immediately adjacent to an existing urban area and in close proximity the District Centre and to public transport/major transport links. It is important to local people because of its landscape function and this is reflected in the current ULPA designation. Providing the key landscape and biodiversity/ecological qualities of the site are respected and its functional impacts are addressed then it is thought that this site should be considered favourably to deliver housing.

The key issues to be considered in delivering the development of this site are therefore:

Landscape Character
Biodiversity/ecology
Design
Highways
Local Amenity
Floodrisk

Each will be addressed in turn.

Landscape Character

The site has an undoubted value in terms of the transition that it offers between the open countryside and the more urban character of the town. It is most visible from the slopes of Shiphay and is much valued by those residents.

Within a defined Urban Landscape Protection Area development will not be permitted which would 'seriously harm the value of an area as an open element within the townscape and the contribution it makes to the quality of the urban environment'.

The Landscape Character Assessment, in identifying Scotts Meadow site as a potential development site, indicated that the site had the potential to accommodate some further change without wider landscape and visual impact. As a gateway site, it said, 'the extent and design of any new development should be carefully controlled to ensure that the principal characteristics are retained and strengthened with a generous green infrastructure that reflects the character and prominence of the locality.'

It is necessary to evaluate the impact that the proposal will have on the appreciation of this space, whether the scheme respects the character of the site and delivers a sufficiently generous green infrastructure to offer a satisfactory level of mitigation.

Although the scheme is in outline, fixing only access, substantial information has

been submitted to illustrate the design approach to be taken and the primary intention has been to create a scheme that is 'landscape led'. The Design and Access Statement identified the need to create parcels of development that would sit within a maintained landscape setting. This was further refined following the DRP's comments which broadly encouraged greater recognition of the topography of the site in developing the broad form of the scheme and in subduing the architectural approach, to enhance the dominance of the landscape in the overall evolution of the scheme.

The original submission involved 200 homes spread across the majority of the site and the scale of the proposal and the inclusion of large blocks of buildings along the frontage to Riviera Way was thought to be intrusive and damaging to landscape character.

The extent and scale of development was reduced following negotiations, initially to 165 units and then to 155 units, the amount of site coverage has been reduced and the level of open space increased with around 51% of the site now left undeveloped [although a proportion of this is steeply sloping and would be unsuitable for development].

The scheme includes retaining planting/green areas to the boundaries of the site and supplementing this where appropriate, retaining areas of open land within the scheme for recreational and ecological purposes, retaining existing species rich hedgerows and existing tree planting. A substantial area of land to the west of the site is retained as a semi natural open space. This has increased in size from 0.5 ha in the original scheme to 1.52ha in the most recent revision.

The green spaces include a Play Area and park, a trim trail, 2 pocket gardens with native planting, informal open space and grassland areas. Linear planting through the site has been increased. The amount and scale of new buildings along the Riviera Way frontage has been substantially reduced, set back and softened by tree planting and the introduction of Devon banks and hedging. Strategic landscaping in the form of a substantial new hedgerow is proposed that will bisect the site from north to south just to the east of a line with Pepys Gate and running parallel to the existing retained hedgerow. Substantial new planting and Devon Banks are to be introduced along the southern boundary of the site. This will act in a way to soften and screen the houses in distant views. Photo montages and visual appraisals have been submitted which show the appearance of the site in its current form and how it would appear if developed. It is a question of whether this delivers an acceptable scheme and adequate mitigation.

Development to the east of the main retained hedgerow, which bisects the site, would be largely screened from view from most principle vantage points and this scale of development would not harm the landscape value of the area in its wider setting. However development of this part of the site only, which would deliver

around 80 - 100 dwellings, is described as not viable by the applicant and the additional housing to the west and south of this hedgerow is deemed essential.

In terms of the housing proposed to the west of the retained hedgerow, this will be visible in long views and will have, to some degree, an impact on its value as 'an open element within the townscape' particularly when viewed from the slopes of Shiphay.

The housing to the south, located close to the top of the highway bank, will be readily apparent in views, particularly of motorists, and will be the most noticeable in terms of the 'gateway function' that the site is valued for.

It was in response to these concerns that the applicant agreed the final reduction to 155 units. This has resulted in the distance from the top of the highway bank to the housing being increased from 33 to 55 metres and the increase in the semi natural green space to the west from 0.5 to 1.5 ha. This scale back from the southerly and westerly margins of the site does help maintain more openness and its function as a transitional space is better preserved.

The value of Scotts Meadow as ULPAs is confined to the visual contribution it makes to the quality of the townscape. It is private land and as such, not lawfully accessible to the public. The implementation of this scheme will provide substantial areas of public open space that people will be able to use for play, walking and recreation. This is seen as offering some compensation for the reduction in 'openness' resulting from the proposed development. However, it is felt that the recent reduction to 155 units and the scale back from the most prominent areas of the site does much in itself to preserve 'openness', and this better maintains the transitional function that the site performs in marking the change from open countryside to a more urban environment.

It is considered that the strategic planting, to the west and south of the site, which will have a significant effect on screening the development should be 'advance planted' and agreement is sought through the S106 to have this in place within a specified period of time of the outline decision being issued.

Biodiversity and Ecology.

An Ecological Impact Assessment and Management Plan clearly establish that the site has value in terms of the various wildlife habitats and particularly of the unimproved grassland within the body of the site and wild orchids evident on the highway bank.

Some protected/notable species were identified and these include 3 Devon notable plants, 10 invertebrates, slow worms and UK BAP Priority species birds including foraging and travelling habitats for Cirl buntings and Bats. The hedgerows were also in large part identified to be species rich. The scheme sought to retain features of value where feasible.

The original scheme for 200 houses was objected to by the Devon Wildlife Trust and Torbay Coast and Countryside Trust. Natural England did not object to the original scheme although they did comment about the need to maintain the biodiversity of the site and indicated that they would not support tree planting on the slope of the highway bank itself as it would shade and kill the grassland/orchid population. The quality of the site in terms of the unimproved grassland and biodiversity was considered worthy of designation in part as a County Wildlife Site. However this designation cannot be imposed but has to be agreed to by the landowner.

The scaling down in numbers has allowed greater retention of features of value, of unimproved grassland, has allowed the tree planting to be substantially increased and relocated to the top of the highway bank and has facilitated improved wildlife corridors particularly along the southern boundary of the site. Importantly, the applicant has offered to allocate and manage the most westerly part of the site as a designated CWS. This is welcome and in responding to the revised scheme, DWT withdrew their objection.

With the reduction to 165 units, TCCT still maintained concerns about the impact on biodiversity and on unimproved grassland and wanted to see more scale back along the sensitive western and southern boundaries. Whilst they welcome the recent reduction in numbers, recognising that it does increase the extent of retained habitat, they would prefer a further reduced level of development on site.

However, the latest amendment does allow improved links between open spaces which is more beneficial to wildlife as well as mitigating impacts on views and biodiversity. There is still, in the revised scheme, a need to mitigate for the loss of unimproved grassland by identifying off site opportunities for mitigation.

The introduction of pond features to provide on site surface water drainage adds to the wildlife biodiversity of the site.

The RSPBs recommendations about incorporating nesting facilities into the individual dwellings will be secured by condition and will also boost biodiversity.

It does need to be borne in mind that the value of the site in terms of its unimproved grassland will decline if it is not properly managed, as the grassland will become overgrown as is currently happening where brambles are becoming established along the road bank. The importance of a sympathetic management regime is highlighted in the Landscape Character Assessment for this reason. This development therefore provides an opportunity to achieve an actively managed CWS to maintain important habitats on the site. The recommendations of the DWT and the TCCT will be reflected in the S106 for the site.

Design

The quality of design is a key consideration with PPS1 'Delivering Sustainable Development' PPS3 'Housing' and a range of local and national policies exhorting LPAs to deliver good quality well designed neighbourhoods. These can be evaluated against the Building for Life criteria and it is a Council objective to deliver schemes that achieve a high score on this assessment.

This scheme is however in outline, with only access fixed. The form, location, position, and appearance of the scheme are 'illustrative' and the question posed to the LPA is effectively whether this gives sufficient certainty about the capacity of the site and the quality to be delivered. In simple terms, whether it will all 'fit' when the scheme is worked up in more detail and that it will be possible to negotiate an 'exemplar' scheme once the numbers are established.

In terms of capacity, the conceptual plans indicate well spaced blocks in generous settings with the dominance of green spaces overriding the built form. It is described in the D& A Statement as following the 'Garden Suburb' principle. However, it was considered that the concept plans needed to be more fully worked up to demonstrate that the numbers of units of the sizes specified, along with all the garaging and car parking, could indeed be accommodated on such a sensitive and steep site whilst still delivering the landscape led concept embodied in the Master Plan.

This 'working up' exercise delivered a more realistic impression of what this level of development would look like. This was useful as it identified where the greatest visual impacts were likely to be and possible design solutions could be tested. For example, there were concerns about the visual impact of the proposed housing immediately to the left of the main entrance, due to the slope of the land and the need identified in the Noise Report for noise attenuation fencing. A change to split level housing and the introduction of Devon Banks to screen the fencing demonstrated that it is capable of resolution.

Conversely, this demonstrated that the tall blocks adjacent to the highway bank embodied in the original submission, once replete with noise barriers which would be necessary due to the measured traffic noise, were not going to be acceptable if landscape character was to be reflected in the final scheme. Similarly relationships to key landscape features, such as the retained hedgerows were properly tested to ensure that even though the details of the scheme are indicative, it can be implemented as shown.

In terms of the balance of built form to landscape this did shift to create a less 'green' and more urban character. However this was based on the size of units indicatively to be provided. A reduction in the size and type of units, for example more terraced units or flats or would reduce the footprint and increase the green component of the scheme.

It is also important, in terms of BFL standards, that the satisfactory relationship and arrangement of buildings and spaces is shown to be capable of resolution and that a lack of space would not result in poorly arranged and cramped buildings and spaces. This can only be guaranteed if there is a realistic indication of the position and relationship of individual buildings.

The applicant had been reluctant to invest resources in delivering this level of detail, due to the uncertainty of the outcome of the application. However, in approving a specific number of units it has to be fully demonstrated that the scheme is capable of being implemented as shown. The applicant contends that this can be done through the Reserved Matters applications and assessments of the scheme suggest that this is so.

It needs to be made clear, however, through a carefully worded condition that this permission only allows UP TO 155 units of an unspecified size and that it will need to be fully demonstrated through detailed plans in relation to layout and design that the scheme delivers the Garden suburb concept detailed in the D&A statement and a high score in a BFL assessment. A reduction in the number or preferred size and arrangement of dwellings may be necessary if these tests are not met and it may require the use of non standard housing types to make the scheme 'work'.

In terms of the elevational treatment, materials, and the final appearance of the scheme, there is much good supporting evidence for delivery of a quality scheme. The broad brush of the D&A Statement can be translated into design codes, which should be agreed before a decision is issued which can be relied upon to deliver a satisfactory outcome at the reserved matters stage providing the appropriateness of layouts and relationships can be confirmed.

Highways

Highways have indicated that they are satisfied with the access to the site and the capacity of the highway network to accommodate the increase in traffic safely subject to the measures agreed as part of the S106 and which are detailed in their official response to the scheme.

As regards the specific points about the capacity of Plantation Way, its steepness and unsuitability for traffic in icy weather, the junction with Centenary Way and access for Emergency vehicles, comments are awaited. However the Transport Assessment which assessed the whole matter of access did not raise any concerns about the capacity and the safety of the access arrangements.

Local Amenity

There have been concerns from people living near to the site about the noise and nuisance of traffic, air quality, pollution, and the impact of the proposed houses on the privacy and outlook of residents of Swallowfield Rise. Reports into Noise and Air Quality identified no substantive problem in relation to the original

proposal and clearly, the reduction in numbers reduces any impact further still. Measured surveys/sections in relation to the Swallowfield Rise properties indicates that the new houses themselves are sited far enough away to avoid impacts on amenity.

Flood risk

The Environment Agency originally expressed concerns about surface water drainage as the original submission relied heavily on the use of the Storm Water Lagoon for disposal of surface water. Their preference is for on site attenuation. The scaling back of the development obviously eases concerns but also allows more space for on site mitigation. The EAs response to the most recent amendment is that the provision of a new pond, as now shown, offers an alternative drainage solution to the existing lagoon, which could be explored in more detail. A condition will need to be applied to the consent confirming this approach.

Overdevelopment of the area and the preference for brownfield rather than Greenfield development were raised as concerns by objectors. In terms of the former, given the location of the Willows on the edge of the urban area and its proximity to key transport routes it is likely to continue to be under pressure for development. It is important in this context to deliver well designed schemes that respect key characteristics of the area. In terms of the latter, a significant amount of development has been implemented on brownfield sites and this will continue. It is not possible to meet future need for growth solely on brownfield land.

Economy -

It is estimated that the scheme would generate about 1.5 jobs per unit during construction plus a significant number in the supply chain but this is difficult to quantify. It is estimated that the value of the investment is about £16.5 million.

Closing the gap -

The scheme will provide 30% Affordable Housing, thus providing accommodation for those in housing need. New Homes Bonus and s106 contribution will be invested in the locality.

Climate change -

South facing slope/can be utilised to promote greater energy efficiency and can be subject to a condition.

Environmental Enhancement -

Public Access to substantial areas of green space/actively managed retained habitats allocation of CWS.

Accessibility -

Highway Improvements to improve pedestrian and cycling activity.

S106 / CIL -

The S106 heads of agreement should deliver:-

1. Phasing Agreement confirming delivery of specific elements of the scheme.
2. Measures to ensure public access and management of public areas of the site in perpetuity
3. 30% affordable housing, of which 50% shall be intermediate housing, 25% affordable rent and 25% social rent.
4. Sustainable Transport and Community Infrastructure Contributions in line with the Adopted SPD in respect of the following:
 - a) Waste
 - b) Sustainable transport
 - c) Stronger Communities
 - d) Life long learning
 - e) Greenspace.

These to be related to floorspace of the units and subject to discounts, as appropriate in respect of the affordable units.

The applicants have suggested that only 50% of the Sustainable Transport Contribution should be paid due to the sustainable location of the site and that £20,000 should be paid to fund the off site wildflower mitigation with no further contribution in respect of greenspace due to the level of provision on site. The reduction in sustainable transport contributions is disputed by Highways Officers as is the level of investment to fund the off site mitigation/greenspace and is subject to ongoing discussion.

5. Highway Improvements as detailed.
6. Pedestrian/Cycle routes as detailed.
7. Ecological Management Plan to be in place for entire site and allocation/designation of western area of open space as CWS including measures to avoid degradation through use by dogs/amenity users. This to be subject to time triggers to ensure that no further degradation of habitats.
8. Off site Mitigation for loss of grassland/wildflowers.
9. Advance Planting of strategic hedgerows/tree planting along western boundary of the development and similar along southern boundary including Devon banks within one month of outline consent being issued in accordance with previously

agreed details.

Conclusions

This scheme has generated a significant amount of opposition from local residents. In the current Adopted Local Plan it is identified as Urban Landscape Protection Area. In terms of the delivery of housing sites, there is a need to meet a 5 year land supply, this at the moment needs to be based on the Draft Regional Strategy which means an increase in the number of housing units to be provided.

It is becoming increasingly clear that a failure to maintain an adequate 5 year supply of land for housing will compromise the ability to defend appeals and in the light of the current policy position the Councils position may not be as robust as previously thought.

There is a proven qualitative and quantitative need for housing. Sites will have to be identified and the means of doing this is complicated by the changes to planning policy at a national level in terms of exactly how growth is to be delivered. Nonetheless it is clear from current government advice that the need to deliver sustainable growth will be a key requirement.

The Core Strategy has identified areas of potential growth and this site is within a key area of search. It has been highlighted in the past as suitable for development. It is one of the least sensitive of the potential housing sites, and was identified as such in the Landscape Character Assessment which supported site identification for the Core Strategy. It is also in an eminently sustainable location and providing its key characteristics are not 'seriously harmed' then it should, under paragraph of PPS3 be considered favourably for housing.

Detailed negotiations have taken place to maintain the broad function of its landscape character and to maintain biodiversity on the site. The applicant has responded positively to these concerns and the scheme now achieves the delivery of needed housing whilst retaining key landscape and biodiversity functions, a generous green infrastructure and a managed County Wildlife Site.

There is inevitably some loss of openness however this should be weighed against the benefit from the land being publicly accessible. Carefully worded conditions are necessary that will tie down the delivery of the landscape concept embodied in the Master Plan and a high scoring BFL assessment.

There is some inevitability about the future of this site given its history, its location and the fact that difficult choices will have to be made about sites to meet housing need.

Conditions.

1. Submission of Reserved Matters- Layout and design, appearance, landscaping, existing and proposed levels across the site- Scheme to provide up

to 155 dwellings of a size, layout, design and type that will ensure the delivery of the 'garden suburb' landscape master plan as laid out in the relevant and approved documents and that will enable a high score in the BFL Assessment/Secure by Design to be achieved.

2. Phasing Plan confirming delivery of specific elements of the scheme. Including Affordable Housing, Highway works Greenspace/ Play Areas/CWS

3. Implementation of approved landscaping scheme.

4. Submission / Implementation of Environmental Management Plan including triggers for advance works to offset degradation of habitats and implementation of CWS. Inclusion of means of improving on site biodiversity as suggested by RSPB/DWT/TCCT/Natural England.

5. Submission/Implementation of off site grassland mitigation.

6. Means of disposing of Surface Water Drainage. Details of proposed pond/means of ensuring safety.

7. Boundary details.

8. Means of dealing with level changes across the site.

9. Submission of details of 'advance planting along southern and western boundaries of the site and triggers for implementation.

10. Materials

11. Sustainability Audit and measures/targets for maximising eco efficiency/sustainability in design/ orientation etc.

12. Lighting.

13. Restriction on PD.

14. Details of all noise attenuation fencing.

15. Bins and bikes.

16. SWW Sewage.

17. Hedge/Tree Protection

18. Travel Plan.

19. Construction Method Statement.

Informative(s)

01. Town and Country Planning (General Development Procedure) (Amendment) Order 2003.

The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority, is not in conflict with the following policies:

Relevant Policies

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