



Friday, 31 January 2014

## **DEVELOPMENT MANAGEMENT COMMITTEE**

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

**Monday, 10 February 2014**

commencing at **2.00 pm**

The meeting will be held in the Burdett Room, Riviera International Conference Centre, Torquay

### **Members of the Committee**

Councillor McPhail (Chairwoman)

Councillor Morey (Vice-Chair)

Councillor Addis

Councillor Baldrey

Councillor Barnby

Councillor Kingscote

Councillor Pentney

Councillor Stockman

Councillor Brooksbank

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**Working for a healthy, prosperous and happy Bay**

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

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**01803 207537**

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# 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** (Pages 1 - 5)  
To confirm as a correct record the Minutes of the meeting of this Committee held on 13 January 2014.
3. **Declarations of Interests**
  - (a) To receive declarations of non pecuniary interests in respect of items on this agenda  
**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda  
**For reference:** Where a Member has a disclosable pecuniary 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 Governance Support or Legal Services prior to the meeting.)
4. **Urgent Items**  
To consider any other items that the Chairman decides are urgent.
5. **P/2013/1342/MPA Land Adj. Brixham Hospital, Greenswood Road, Brixham** (Pages 6 - 19)  
Provision of 36 bedroom residential care home (Use Class C2), with associated car parking and landscaping; following demolition of existing building and outbuildings.
6. **P/2013/0324/MPA Paignton Library, Courtland Road, Paignton** (Pages 20 - 33)  
Erection of two blocks of sheltered housing flats comprising 22 no. 1-bed flats and 16 no. 2-bed flats (38 flats in total) (Use Class C3), with connecting owners lounge, guest suite and associated access and parking; following demolition of existing library building.

7. **P/2013/0990/PA Rear Of Tor Park Road Car Park, Paignton** (Pages 34 - 39)  
Change of use from vacant storage yard (B8) to Dog Day Care Centre (sui generis), with associated buildings, pens and parking.
8. **P/2013/1152/PA Plot Adj. Roundham House, Roundham Road, Paignton** (Pages 40 - 47)  
Proposed new dwelling to include new fence and gate to northern boundary of site.
9. **P/2013/1229/MRM Land West Of Brixham Road, Paignton** (Pages 48 - 64)  
Approval of reserved matters to P/2011/0197. Appearance, landscaping, layout and scale in relation to 314 dwellings and associated development.
10. **P/2013/1311/PA Woodlands, Little Preston Road, Brixham Road, Paignton** (Pages 65 - 68)  
Detached bungalow with garage (Re-Submission of P/2013/0995 - amended scheme).
11. **P/2012/0567/LB Rock House, Rockhouse Lane, Torquay** (Pages 69 - 75)  
Construction of new dwelling in kitchen garden to South of Rock House and conversion and extension of existing stable block into dwelling house to North of Rock House including provision of independent access from road to the East.
12. **P/2013/1308/OA Land At Plym Close, Torquay** (Pages 76 - 80)  
Outline consent -dwelling house and associated parking (access only).
13. **P/2013/1326/OA Land Rear Of 16-20 Alpine Road,(inc. Adj. Garage Block),Torquay** (Pages 81 - 84)  
Demolition of garage block, redevelopment with 3 no. houses and associated car parking.
14. **P/2013/1357/HA The Lookout, 8 Whidborne Close, Torquay** (Pages 85 - 90)  
Extension to form living accommodation.
15. **P/2014/0030/MPA The Pines, 78 St Marychurch Road, Torquay** (Pages 91 - 97)  
Re submission of P/2013/1070 for a new four storey residential apartment block comprising 14 units with associated car parking St Marychurch Road, Torquay. Amendments comprising relocation of building forwards in the plot and revised roof design.
16. **Spatial Planning (Strategic Planning and Implementation Team) Performance Report** (Pages 98 - 106)  
To note the above report.
17. **Public speaking**  
If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) before 11 am on the day of the meeting.

**18. Site visits**

If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 5 February 2014. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

**Note**

An audio recording of this meeting will normally be available at [www.torbay.gov.uk](http://www.torbay.gov.uk) within 48 hours.



## Minutes of the Development Management Committee

13 January 2014

**-: Present :-**

Councillor McPhail (Chairwoman)

Councillors Addis, Baldrey, Barnby, Brooksbank, Ellery, Kingscote,  
Morey (Vice-Chair) and Pentney

(Also in attendance: Councillors Amil, Excell, Lewis, Pountney and Thomas (D))

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### **81. Apologies for absence**

It was reported that, in accordance with the wishes of the Non-Coalition Group, the membership of the Committee had been amended for this meeting by including Councillor Ellery instead of Councillor Stockman.

### **82. Minutes**

The Minutes of the meeting of the Development Management Committee held on 9 December 2013 were confirmed as a correct record and signed by the Chairwoman.

### **83. P/2012/1074/MPA Land Off Alfriston Road, Paignton**

The Committee considered a request for an extension of time in respect of the completion and signing of a Section 106 Legal Agreement. Members were advised that the Section 106 Legal Agreement had been drafted however due to issues between the parties involved the signing of the document had been delayed.

Resolved:

That a two month time extension be granted in order for the Section 106 Legal Agreement to be signed as currently drafted (the agreement to be signed no later than 10 March 2014). Should any substantive changes to the terms of the agreement be required, the application will be referred, in full to the Development Management Committee.

### **84. P/2013/1189/MPA Land At Playing Fields Dartmouth Road, Paignton**

The Committee considered an application for the formation of 1.5 kilometre macadam closed road cycling circuit and associated works including a 1.8 metre boundary fence.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Iain Masters addressed the Committee in support of the application. In accordance with Standing Order B4.1 Councillor Excell addressed the Committee.

Resolved:

Approved, subject to the conditions set out in the submitted report.

**85. P/2013/0141/PA Cockington Primary School, Old Mill Road, Torquay**

The Committee considered an application for a single storey extension, comprising three classrooms, staffroom, hall and kitchen with associated storage.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Matthew Redwood addressed the Committee in support of the application. In accordance with Standing Order B4.1 Councillor Pountney addressed the Committee.

Resolved:

Approved with conditions one, three, four and informatives as set out in the submitted report. Condition two being amended to read:

‘Within six months of the commencement of development and prior to the installation of external materials to the building an External Materials Schedule must be submitted and approved in writing by the Local Planning Authority showing details of all external building materials, including specification and images. The External Materials Schedule shall include the arrangements for the display of samples of materials on site prior to the approval of the same. The development shall be constructed from the building materials approved.

Condition five being amended to read:

‘Within six months of the commencement of development an updated Travel Plan must be submitted to and approved in writing by the Local Planning Authority. This shall amend the Target in the Travel Plan submitted with the application to achieve a 5% reduction in the number of pupils being driven to school and a comparable increase in walking, cycling and scooting by July 2014 and a further 5% reduction over a 1 year period after the new building is first usefully occupied. It shall also add a target to reduce the level of staff car parking on the site and on surrounding roads over the same period. It shall also commit to the provision of additional cycle parking for pupils and staff. A review of the approved Travel Plan shall be submitted to the Local Planning Authority on 1 August 2014 and annually on the same date thereafter to show whether the objectives and targets have been met. In the event that they have not, the school shall submit a new Travel Plan to the Local Planning Authority containing further actions to meet the objectives and targets on 1 September 2015 and annually on the same date thereafter.’

**86. V/2013/0004/V The Corbyn Apartments, Torbay Road, Torquay**

The Committee considered an application for proposed modifications to a Section 106 Legal Agreement (P/1991/0370).

Resolved:

The proposed modification to the Section 106 Legal Agreement be approved. The Section 106 Legal Agreement be signed and completed within six months of the date of this committee.

**87. P/2013/1202/PA Craig, Ilsham Marine Drive, Torquay**

The Committee considered an application for the formation of five apartments with vehicular parking (resubmission of P/2013/0258).

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

Resolved:

Approved subject to:

- i) securing planning contributions as outlined in the submitted report within three months of the date of the Committee; and
- ii) appropriate planning conditions be delegated to the Director of Place, to include those set out in the submitted report.

**88. P/2013/1257/MPA Combe Pafford School, Steps Lane, Torquay**

The Committee considered an application for the demolition of temporary portacabin teaching accommodation and provision of a new hospitality learning facility/cafe and teaching accommodation: together with a new controlled access route providing pedestrian and occasional vehicular access from Moor Lane (resubmission of P/2012/1208).

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

Resolved:

Approval delegated to the Director of Place with outstanding matters subject to the receipt of further information prior to the grant of permission or achieved via planning conditions, to the satisfaction of the Authority's Arboriculture Team, the Authority's Drainage Department; and the Authority's Sustainable Transport Officer/Highways Department.

**89. P/2013/1070/MPA The Pines, 78 St Marychurch Road, Torquay**

The application was withdrawn prior to the Committee.

**90. P/2013/0372/MPA Bishops Court Hotel, Lower Warberry Road, Torquay**

The Committee considered an application for the erection of 18 residential units (1x2bed, 8x3 bed and 9x4 bed) in two terraces in the garden area to the east of Bishops Court Hotel on the site of former holiday accommodation.

At the meeting Anthony Eake addressed the Committee in support of the application.

Resolved:

Approved subject to agreement being reached in terms of:

- a) the conclusion of a Section 106 Legal Agreement at the applicants expense within 6 months of the date of this committee meeting that delivers the following:
  - i) Tying together the individual applications to form an agreed phasing plan and a requirement that any changes to individual applications triggers a reappraisal of the viability of the whole scheme. In the event of the site reverting to one development and not being split into two development parcels (east and west), the viability of the project as a whole to be re-assessed.
  - ii) A mechanism (joint bank account) to secure delivery of an agreed schedule of works to the listed villa and to secure the demolition of the adjacent mews building. In the event that the replacement mews building is not delivered within 12 months of the date of demolition, the site to be landscaped in accordance with details which shall have been previously agreed with the Local Planning Authority.
  - iii) A deferred contributions clause to deliver an improved affordable housing contribution in the event of an improved viability. (Maximum scale of contribution to be confirmed).
  - iv) The payment of a commuted sum (affordable housing and Community Infrastructure Contributions) of £170,000 in accordance with appropriate triggers for payment.
  - v) The implementation of any of the approved schemes to act to rescind the previous consent and its associated CLEUD.
  - vi) Applications P/2013/0400/PA, 0401/LB and 0891/PA being tied to the main application P/2013/0372 and implementation tied to delivery of works to the listed building.

- b) the conditions relating to individual applications as set out in the submitted report.

**91. P/2013/1184/HA San Marino, Vanehill Road, Torquay**

The Committee considered an application for a proposed loft conversion and extension with landscaping alterations.

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

Resolved:

Approved with the conditions set out in the submitted report.

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Chairman/woman

# Agenda Item 5

**Application Number**

P/2013/1342

**Site Address**

Land Adj. Brixham Hospital  
Greenwood Road  
Brixham  
Devon  
TQ5 9HW

**Case Officer**

Mrs Helen Addison

**Ward**

St Marys With Summercombe

**Description**

Provision of 36 bedroom residential care home (Use Class C2), with associated car parking and landscaping; following demolition of existing building and outbuildings

**Executive Summary/Key Outcomes**

The application is to relocate the St Kilda care home in Drew Street from its outdated building to provide improved facilities. The proposal would constitute a 36 bedroom care home (use class C2) to provide dementia care, intermediate care and residential care. In addition the building would accommodate a day care centre for up to 18 visitors and provide office space for up to 10 people.

The application includes enlarging the existing car park accessed from Penn Meadows to provide 14 additional spaces. It also provides an improved pedestrian link through the hospital site from Penn Meadows to Greenwood Road that would be available for the wider community to use.

The proposed building would be located on an area of open space currently laid to grass. It would be part two storeys and part three storeys high (although the first floor would be within the roof space) as a result of ground level changes on the site. The design approach would be relatively simple based around a south facing courtyard. The proposal would provide 21 full time jobs and 7 part time jobs on the site. It would deliver improved facilities for people in need of care.

There would be a distinct advantage to co-locating the facility next to the hospital. The operation of the proposed building would provide intermediate care which would effectively be a 'stepping stone' in the care process for patients moving from the hospital to their own homes.

The proposal would be consistent with the objectives of Policies CFS, CF1 and CF15 in the Torbay Local Plan 1995-2011 in that it would provide new facilities in a sustainable location and would make a positive contribution to the character of the neighbourhood.

### **Recommendation**

Conditional Approval; Subject to the receipt of satisfactory further information relating to landscaping, pedestrian movement through the whole hospital site and drainage, and; subject to the receipt of a unilateral undertaking to fund a Traffic Regulation Order to control parking around the Penn Meadows entrance of the site. Conditions are identified at the end of the report.

### **Statutory Determination Period**

The thirteen week target date for determination of the application is 18th March 2014. The decision will be issued within this timescale.

### **Site Details**

The application site relates to an area measuring approximately 45m by 110m within the curtilage of Brixham Hospital, to the south of the main hospital buildings. The site is bounded by Penn Lane along the southern boundary and Penn Meadows on the eastern boundary. The majority of the site is covered in grass and has an open character. It has no specific use of this land and it is seen as ancillary space within the curtilage of the hospital.

There is a building at the western end of the site known as 'the bungalow' which has a residential appearance but is used as part of the hospital. This building would be demolished as part of the application. An area in the south west corner of the site is currently fenced off and used for site maintenance. This would also be incorporated into the application site.

There is a steep raised bank between the application site and the original hospital buildings, with a low timber rail fence adjacent to the bank. Along the boundary to Penn Lane and Penn Meadows there is a chainlink fence. A section of mature hedge runs along the boundary with Penn Lane. The boundary fence and hedge are low, resulting in the site being clearly visible in the street scene. There is a notable difference in levels on the whole hospital site, with the lower levels on the western side of the site, towards Greenswood Road. The application site slopes down towards the west. From the site there are long distance views towards the Windmill Hill and Parkham areas of the town. Similarly there are views of the site from these nearby hillsides.

There are two points of access to the Brixham hospital site. The closest access to the application site is from Penn Meadows. This access currently serves a car park, the hospital wards, the Zone Team building and the ambulance station. The principal access to the hospital is from Greenswood Road which is to the west of the application site. This access is at a lower level than the application site. It serves the minor injury unit, out/day patient facilities and the largest

parking areas on the site.

Due to the difference in levels there is no vehicular connectivity on the site between the eastern and western areas. There is a footpath link between the two levels of the site which includes a slope to navigate the changes in level.

To the south and east of the site is residential development which largely comprises two storey semi detached and detached dwellings. In the Torbay Local Plan 1995-2011 there is no specific allocation relating to the site. The boundary of the Higher Brixham Conservation Area runs along the northern boundary of the hospital site.

### **Detailed Proposals**

The application is to replace the current St Kilda Care home which is located to the south west of the site in Drew Street. The applicant advises that this property is no longer fit for purpose. The application is for a 36 bedroom care home for dementia care, intermediate care and residential care with private gardens for residents use. In addition the proposal would accommodate a day care centre for up to 18 visitors and associated office space for up to 10 people.

The proposal is for a two storey building with vehicular drop off space and landscaped outdoor space. The building would be orientated around a south facing courtyard. The applicant advises that this layout would maximise resident access to external space and views of the nearby church at St Marys square. As part of the application the connectivity through the hospital site will be improved through the provision of a new ramped pedestrian route. The main entrance to the proposal would be on the northern side of the building. There would be a plaza area adjacent to the entrance with a coffee kiosk. Garden areas would be provided on the south, east and west sides of the building. The western gardens would be private and accessed directly from the resident's rooms. The southern and eastern courtyards would provide communal space.

It is proposed to enlarge the existing car park accessed from Penn Meadows. This would provide 34 parking spaces to include two disabled parking spaces. There are currently 20 spaces in the car park. On site cycle parking is also proposed.

The following accommodation would be provided within the building;

Lower ground floor- This would be the dementia wing and would provide 12 bedrooms with associated kitchen and facilities. The applicant has advised this space would be most appropriate for these patients as it would be more difficult for patients to exit the building. Wandering dementia patients presents a problem for carers. Five of the bedrooms would have direct access to the lower garden area.

Ground floor- Both the residential wing and the intermediate care wings would be provided at this level. They would be separated by the central circulation area. 12 bedrooms would be provided in the residential wing along with a shared living/dining area. 7 of these bedrooms would have direct access to the garden area. In the intermediate care wing 12 bedrooms would be provided. The principle behind locating these uses to this floor is to provide high levels of garden access to long term residents. Residents in the intermediate wing would be short term and would be mobile and therefore able to access garden areas.

First floor- The day care centre would be located at this level along with staff facilities and a meeting room. The principle for this use being in this location is that the day care centre would only be used from 10 to 3 daily. The space would be attractive as it would be double height. It would afford views over Brixham. There would be carers with the visitors who would be able to assist with access to the garden areas.

The applicant has worked with the University of Stirling to design the building, particularly to address the needs of residents with dementia. It is noted that getting design right can make a fundamental difference to the lives of people with dementia. Good design can improve their life experiences and can increase their life expectancy.

In addition, a detailed landscape plan has been submitted in support of the application. In the Design and Access statement it is recognised that access to open space has a positive effect on health. The provision of open space has been designed as an integral part of the development.

The proposed building would utilise the topography on the site and would have a single storey appearance at the higher eastern end (closer to Penn Meadows) with a two storey appearance at the lower western end. The roof space would be utilised to provide the first floor accommodation. The form of the building would be 'U' shaped around a courtyard with a central gable feature running through the middle of the building. The applicant advises that the design of the development would have a simple pitched roof form to respond to the scale of the immediate neighbours. The central core gable would assist in breaking up the perceived length of the building. The proposed materials would be rendered walls with a brick plinth, grey foil coated windows and the roof would be finished in concrete interlocking tiles in smooth grey.

### **Summary Of Consultation Responses**

*South West Water:* No objection subject to foul and surface water discharges being kept separate and connected to the respective public foul and surface water sewers.

*Drainage:* Requests further information relating to soakaways on the site.

*Arboricultural Officer:* Advises that the scheme be suitable for approval on arboricultural merit subject to conditions relating to tree protection and submission of a detailed landscaping plan.

*Senior Transport Planner* No highway objection. Requests the applicant funds a traffic regulation order to ensure the access around the Penn Meadows entrance is kept clear of vehicles and a condition requiring submission of a Travel Plan for the entire site.

### **Summary Of Representations**

Prior to the submission of the application an open afternoon was held at Brixham Hospital where the proposed plans were on display for stakeholders and the public to view.

Following the advertisement of the application one letter of objection has been received. This has been reproduced and sent electronically for Members consideration.

The following issues are raised;

- Impact of traffic for visitors and staff
- Building would dwarf existing hospital building
- Loss of large green space

### **Relevant Planning History**

There is an extensive previous planning history on the site. The most recent applications are;

|             |   |
|-------------|---|
| P/2009/0759 | Minor revision to previous application (ref P/2009/0342PA) fire escape door in existing window opening approved 28.9.09                     |
| P/2009/0527 | Detached permanent store for the storage of lifting equipment for adjacent hospital wards approved 28.7.09                                  |
| P/2009/0342 | Alterations to existing building to rebuild existing day room, provide new external pram shelter and works to main entrance approved 8.6.09 |
| P/2008/1062 | Enclosed walkway between main house and the Briseham unit approved 5.9.08   |

### **Key Issues/Material Considerations**

The main issues are;

1. the principle of development on this site
2. whether the design and scale would be appropriate in this location
3. highways and parking
4. landscaping
5. drainage
6. impact on residential amenity
7. ecology

#### **1. Principle and Planning Policy -**

In the Torbay Local Plan 1995-2011 Policies CFS and CF1 support new development that would meet the needs of and enhance the quality of life of residents. Policy CF15 relates to the provision of accommodation for people in need of care. This policy requires new development to be accessible to public transport and within walking distance of everyday facilities, to have adequate amenity space, provision for servicing and parking and not to be detrimental to the character or amenities of the neighbourhood. These issues will be considered below. Para. 70 in the NPPF promotes the delivery of services that the community needs to enhance the sustainability of communities.

There is no specific allocation relating to the site in the Torbay Local Plan 1995-2011. The site is within the built up area of Brixham and therefore the principle of placing a building on the site would be consistent with the character of the area.

The proposal would result in the loss of an open area, with views across the site. There is no public access to the site and it is not used for recreational purposes, so there would be no loss of recreation facilities used by the community. The proposal would inevitably have an impact on the character of the area by reason of the size of the building and the loss of open space on the site.

The issue to be considered in this instance is what is the value of the open space to the character of the area, and what impact does the proposed development have on it? In response to this matter there are a number of considerations.

Firstly the site does provide legibility to the area due to its distinctive character, however, a new well designed building would also make a positive contribution towards legibility in the area. The open space provides visual relief to the built up area, and a notable gap in buildings in the street scene. This break between buildings would be reduced. However, the proposed building would not extend across the entire site and the area with the highest ground level to the east of the site would be used as a car park with no buildings on it. This would continue to

provide some relief to the built form in Penn Lane.

The proposed footprint would also ensure that a break in the built form is retained and the proportion of building on the site would not harm the overall character of the area.

The final issue to be considered is the impact on views across the site and how important this is to the character of the area. As the site is on a hillside views from the east of the site to hillsides on the opposite side of the valley would be retained in part. There would inevitably be a loss of public view across the site, however this would be of moderate impact as some visibility of the surrounding hillsides would be retained.

The overall impact on public views and legibility and character of the area needs to be balanced against the benefit to the community from the provision of the proposed facilities on the site.

The applicant has advised that there are a number of shortcomings in the current St Kilda care home which include the following;

- Bedrooms are too small to allow for residents needs
- No en-suite facilities
- Due to age of building maintenance is costly
- Lounge and dining areas do not provide appropriate levels of amenity.
- Poor circulation routes reduce resident's privacy
- No reception desk
- Unable to accommodate people with mental health issues

In response to these shortcomings the proposal will deliver purpose built facilities that would clearly benefit the community through provision of care and improved facilities on the site.

The application involves the demolition of a detached building on the site that is known as 'the bungalow'. There would be no objection to the loss of this building on the site. It has no architectural merit and its siting and form do not relate to the main hospital building. It makes little contribution to the character of the site and therefore its demolition would be acceptable.

In conclusion it is considered that the role and function of the space makes a positive contribution to the character of the area. However there are no overriding reasons why it should be retained in its current form. The proposed development would make effective use of a sustainable site within the town. Its impact on the character of the space is considered to be acceptable given the retention of some open space to the east and given that the design will fit with the character of the area.

There would also be a distinct advantage to co-locating the facility next to the hospital. The operation of the proposed building would provide intermediate care which would effectively be a 'stepping stone' in the care process for patients moving from the hospital to their own homes.

## **2. Design and scale of building -**

Considerable pre-application discussion was carried out prior to the submission of the proposal. The DRP comments on a previous scheme are reproduced with the agenda. The DRP suggested the following opportunities existed on the site;

- A smaller footprint through increasing the height of the building,
- The internal circulation should be efficient, pleasant to use and clear,
- The architectural form should be less complicated and more future proof,
- The scale of the building should be more sympathetic to the modest residential properties in the area, and;
- The pedestrian route should be clear and direct 'an internal street'.

The proposed building would inevitably be large and would be of a notably greater scale and have a different character than the form of residential development that is located to the south, east and west of the site.

The applicant has given thought to this issue and has addressed the existing form of development by following the existing building line in the footprint of the proposed building. In addition, the siting of the proposed development has been chosen to exploit the existing topography.

It would be located at the lower part of the site which is on the western side. The ridgeline of the building would remain constant throughout the length of the building. It would effectively 'step' down the hillside through the provision of a lower ground floor level at the western (lower) end of the building. This would result in a single storey appearance to the eastern side of the building as the first floor accommodation would be within the roof space.

In order to respond to the residential character of the surrounding area, the proposal would have a simple pitched roof form to respond to the scale of the immediate neighbours and would create a residential feel to the development. The ends of the gables would have simple articulation. The central core gables would further aid in breaking up the perceived length of the building.

A simple palette of materials is proposed to help reinforce the domestic scale of the building. A brick plinth and detailing to the main entrance is intended to tie the building to the existing hospital, whilst white render walls and grey roof tiles would relate to neighbouring residential properties. Officers consider that it would be preferable for the building to be visually 'broken up' through the use of different colours. A prime example of this is where there are two gable ends side by side on the south elevation. These would be better treated through being

painted in two separate colours.

In the proposed building consideration has been given to designing for people with dementia. The applicant has worked with the Dementia Services Development Centre at the University of Stirling to include measures that would improve the quality of the environment for residents and visitors. A detailed report by the University of Stirling has been submitted which contains a number of recommendations.

The commitment by the applicant to taking professional advice in this matter assures officers that efforts are being made to appropriately design the building for the end users.

### **3. Accessibility -**

An important part of the proposal is the provision of pedestrian accessibility to the building from both Penn Lane and Greenwood Road. The proposed development also presents an opportunity to improve the existing pedestrian link through the site that is informally used by local residents.

The most direct and shortest route to the proposed building would be from Penn Meadows. A direct segregated pedestrian path to the building entrance would be provided. This would involve narrowing the existing access to the site from Penn Meadows. The entrance to the proposed building would be visible from Penn Meadows. There would also be pedestrian access to the building from Greenwood Road.

A new ramped access would be created between the east and west parts of the overall hospital site. The applicant has been requested to clarify the route through the Greenwood Road end of the site, because this is not clear from the submitted plan.

As a result of this proposal pedestrian accessibility through the site would be improved. The route through the application site would be clearer than existing and relatively direct. It would also be largely segregated from vehicular traffic.

There is some concern about how the 'plaza' area would function and whether the proposed coffee kiosk is located in the optimum position on the site as there are substantial changes in ground levels in this area. This part of the application would benefit from further work on how to maximise the opportunity for this area. It would be appropriate to impose a condition requiring submission of a detailed layout plan post planning decision.

The proposal includes the car park accessed from Penn Meadows being extended to provide 34 spaces (an increase of 14 spaces). The applicant advises that as a result of the proposal 21 full time jobs and 7 part time jobs would be provided on the site. The Transport Statement advises that an

assessment of TRICs data has established that the proposal would be likely to generate a maximum of 16 additional movements during the peak hour periods. It is noted that the site has good links to public transport with bus services to both Greenswood Road and Penn Meadows. The applicant proposes to provide a travel plan which will encourage walking, cycling and public transport usage.

Two areas of cycle parking are proposed on the site. One of these is adjacent to the building entrance. The other is on the far side of the new ramped path. The applicant has been requested to review whether this second area of cycle parking should be brought closer to the building entrance.

The Senior Transport Officer has requested the applicant fund a Traffic Regulation Order to ensure that the access around the Penn Meadows entrance is kept clear of parked vehicles. This can be addressed by means of a unilateral undertaking prior to the issue of planning permission.

#### **4. Landscaping -**

The quality of the external environment should be an integral part of the development. In the Design and Access statement it is recognised that access to outside space benefits health, particularly through contact with direct sunlight. There are health benefits for elderly people to increase vitamin D levels from sunlight. It is recognised that people congregate in outdoor spaces, particularly sunny spaces. This improves social interaction which improves overall well being and avoids isolation and loneliness which can happen when people remain in their bedrooms.

The proposal includes the provision of small garden/courtyard areas on the south, east and west sides of the building. Seating areas are proposed together with raised planters for growing fruit and vegetables. The proposal would make effective use of outdoor space for residents. There would be direct access from a number of rooms to the outside space. The applicant has been requested to review the boundary treatment around the southern and eastern boundaries. There is currently a hedge along the boundary with Penn Lane and it would be preferable for a soft landscape treatment to be provided along this boundary, to reflect the green appearance of the existing open space on the site.

The Council's arboricultural officer advises that the proposal is suitable for approval on arboricultural merit subject to a condition requiring submission of details of tree protection and submission of a landscape scheme.

#### **5. Drainage -**

In support of the application, a proposed drainage strategy has been submitted. In respect of surface water the drainage strategy notes that several infiltration tests have been undertaken on the site which indicates that infiltration systems would be viable on the site however there would be significant constraints on their possible location due to the presence of a public sewer. Due to the

presence of a public sewer on the western side of the building it would not be possible to use infiltration systems to serve the lower part of the building. The applicant therefore intends to provide a positive outfall to the public sewer with an attenuation system located below the garden. It is intended that the eastern end of the building would discharge via an infiltration system. This would be dependent on achieving suitable infiltration rates at a depth of approx. 3.5m below existing ground level. If this is not suitable it would be necessary to construct a positive discharge from the building to the public sewer with an attenuation tank to accommodate a restricted flow. It is intended that the car park would be designed to discharge to an infiltration system. It is proposed that foul water would be discharged into the public sewerage system that crosses the site.

In their consultation response SWW advise that they have no objection to the proposal. The Council's drainage engineer has requested information regarding details of the infiltration tests that have been undertaken and the submission of detailed designs for the proposed soakaways. This has been submitted and his response is awaited.

#### **6. Impact on residential amenity -**

The proposed development would be closest to properties in Penn Lane. By placing the entrance to the building on the northern side activity associated with the building ie. movements to and from the building would be on the opposite side to the properties in Penn Meadows and therefore would result in limited noise disturbance to these properties.

The proposed building would sit alongside 14 Penn Lane, and would be two storeys with additional accommodation in the roof space at this point. The footprint of the building would be positioned so that it would be stepped away from the dwelling but would be sited approx. 7m from the rear garden. Locating the proposed building away from 14 Penn Lane would assist in preventing an overbearing relationship of buildings. There is currently a tall line of trees within the rear curtilage of the property along boundary of the site, which would make an effective contribution to screening the proposal from the rear garden. It is noted that the proposal would be on the northern side of this dwelling and therefore would not overshadow the property.

The proposal would have an impact on the outlook from 7a Penn Lane which faces across the application site, although it is sited on the opposite side of Penn Lane. The outlook from this property would be changed by the development as the proposed building would be 11 metres from this property. There would be two ground floor windows in the proposed development facing this property which would be partly screened by the boundary treatment. In this case it is considered that this relationship of buildings would be acceptable and would not result in a loss of residential amenity because the building line of the proposal would be staggered along the Penn Lane boundary and therefore would not

result in an overbearing relationship of buildings.

### **7. Ecology -**

A bat survey of the bungalow (which is to be demolished as part of the application) has been submitted. This states that no evidence of bats was recorded during an inspection of the bungalow. The building is considered by the applicants ecological consultants to have low bat roost potential. It was noted that a starlings nest was recorded within the loft space of the building. In the light of this the ecologist recommended that demolition be undertaken outside of the main bird-breeding season (ie between October and February) or subject to a pre start check by an ecologist to ensure that no active nests are present. The ecologist also recommends that an ecologist undertakes a hand search for the flower beds prior to site clearance to check for slow worms which would minimise the potential risk of them being injured or killed during site clearance.

### **S106/CIL -**

The applicant has submitted TRICS data in support of the application, which advises that for the peak hours the proposed development would result in an increase of 16 trips in the morning and 15 trips in the afternoon.

In accordance with the Council's SPD "Planning contributions and Affordable housing: Priorities and Delivery" the impact of the proposal on the transport network has been considered. Taking into account mitigation for the creation of the 21 full time jobs and 7 part time jobs on the site no contribution towards sustainable transport would be required from this development.

### **Conclusions**

In conclusion, the proposal would result in the provision of new facilities that would provide a benefit to the community, which would be consistent with Policies CFS, CF1 and CF15 in the Torbay Local Plan 1995-2011. The proposed building would be in a sustainable location with good links to public transport. It would be sited adjacent to Brixham Hospital which would be beneficial to the operation of the proposed development as there would be direct links between the delivery of healthcare and the role of the hospital in the community.

The proposed building would be of a large size. The applicant has considered the design and siting of the building in order that it relates to the form of development in the surrounding area. Landscaping and the provision of garden space for residents and visitors would be an integral part of the design of the building. An additional 14 car parking spaces would be provided on the site.

The proposed building would be designed to make effective use of the level changes on the site and minimise the visual impact of the building. A building of this size would inevitably have some effect on the appearance and character of

the area. It is considered that the design approach would be appropriate in this location and the impact on the character of the area would be acceptable.

### **Condition(s)/Reason(s)**

01. Schedule of materials and paint colours
02. Parking and cycle parking provided before commencement of use
03. Landscape scheme submitted
04. Landscape scheme implemented
05. Building constructed in accordance with finished floor levels
06. Travel plan submitted
07. Alterations to access and provision of footpath through site provided prior to commencement of use
08. Detailed plan showing layout and levels of plaza area
09. Section to be submitted through the two courtyard areas on south side of building
10. Detailed plan for servicing
11. Tree protection
12. Details of drainage

### **Relevant Policies**

- H2 New housing on unidentified sites
- H9 Layout, and design and community aspects
- H10 Housing densities
- E5 Employment provision on unidentified sit
- CFS Sustainable communities strategy
- CF1 Provision of new and improved community
- CF6 Community infrastructure contributions
- CF15 Accommodation for people in need of care
- L10 Major development and landscaping
- NC5 Protected species
- EP1 Energy efficient design

BES Built environment strategy  
BE1 Design of new development  
BE2 Landscaping and design  
T1 Development accessibility  
T2 Transport hierarchy  
T7 Access for people with disabilities  
T25 Car parking in new development  
T26 Access from development onto the highway  
T27 Servicing

# Agenda Item 6

**Application Number**

P/2013/0324

**Site Address**

Paignton Library  
Courtland Road  
Paignton  
Devon  
TQ3 2AB

**Case Officer**

Matt Diamond

**Ward**

Roundham With Hyde

**Description**

Erection of two blocks of sheltered housing flats comprising 22 no. 1-bed flats and 16 no. 2-bed flats (38 flats in total) (Use Class C3), with connecting owners lounge, guest suite and associated access and parking; following demolition of existing library building.

**Executive Summary/Key Outcomes**

The proposals are to erect two blocks of sheltered housing flats on the site, following demolition of the existing vacant and semi-derelict former library building. A total of 38 flats would be provided (22 no. 1-beds and 16 no. 2-beds), plus a 1-bed guest suite. The blocks would be connected by a single storey glazed entrance and owners lounge. Access to the site would be reconfigured and a parking area provided for 16 cars (including 2 disabled spaces). The existing footpath through the site connecting Courtland Road to Victoria Park would be retained and realigned.

The proposals would regenerate a site with a vacant building that is being vandalised and rapidly falling into a state of disrepair. The proposed scheme has been designed in accordance with the findings and guidance of the Torbay Design Review Panel. The design is considered to be high quality and appropriate to the Polsham Park sub-area of the Polsham Conservation Area.

The level of parking is considered acceptable. Policy T25 of the Adopted Torbay Local Plan 1995-2011 ('the Local Plan') includes reduced parking standards for sheltered flats compared to normal dwelling houses. The policy sets a maximum standard of 0.5 car parking spaces per dwelling for sheltered flats. The proposals provide 0.4 spaces per dwelling. However, this is acceptable given the close proximity of the site to the facilities and services within Paignton Town Centre, and bus services along Torquay Road.

There are many trees on the site, mainly around the site boundary. Whilst a few trees would be removed, the most significant trees would be retained.

An independent viability assessment has been carried out, which concludes that it is not viable to provide a policy compliant level of affordable housing and contributions with the scheme. However, it is viable to provide a contribution towards delivering affordable housing on other sites within Torbay equating to 8% of the total number of flats, as well as the policy compliant contributions towards waste management and the South Devon Link Road (SDLR). These contributions have been agreed between the applicant and officers. A section 106 agreement is currently being prepared by Torbay Council Legal Services to secure these contributions.

A number of conditions are required to address technical matters, which are listed at the end of this report.

### **Recommendation**

Conditional approval; subject to signing section 106 agreement securing contributions within 13 weeks of the valid application being submitted, or the application be refused; conditions at end of report.

### **Statutory Determination Period**

The application is a major application because the development comprises more than 10 dwellings. The application was validated on 22.11.2013. The 13 week determination date is 22.02.2014.

### **Site Details**

The site is the old Paignton library site on Courtland Road, Paignton. The building is vacant and in a state of disrepair. The site area is 0.4ha. The site is bounded by Courtland Road to the north, residential properties to the west and east, and Victoria Park to the south.

The site is located within the Polsham Park sub-area of the Polsham Conservation Area. This area was a planned residential estate built in the 1890s. The Character Appraisal for the conservation area describes the estate as 'an important exemplar of a garden suburb with its mix of terraced, semi-detached and detached houses, all with their own front and rear gardens or areas in their plot - the larger the house the more lavish the ornament'. The houses are urban in form and predominantly feature the local red sandstone, as well a rich variety of ornamental detail in stonework, joinery and glazing. The detached houses around the site in particular are rich in decorative elements, much in an Arts and Crafts style.

There are a number of trees on the site mainly around the boundary, including a high quality London plane and fair quality magnolia to the rear of the existing building.

A footpath passes through the site between Courtland Road and Victoria Park to the west of the existing building. Whilst this is used by the public it is not a public

right of way.

It has been discovered that the site was once used as a Victorian tip and the ground conditions consist of made ground.

### **Detailed Proposals**

The proposals are to demolish the existing building and erect two blocks of sheltered housing flats on the site, linked by a single storey glazed entrance and owners lounge. A total of 38 flats would be provided (22 no. 1-beds and 16 no. 2-beds), plus a 1-bed guest suite. The blocks would be three and a half storeys high with accommodation provided in the roof. The blocks have been designed to fit into the character of the conservation area and can be described as a contemporary interpretation of the Victorian villas that characterise the Polsham Park estate. The predominant building material would be red sandstone, with white brick plinths, quoins and bays.

The existing vehicular entrance to the site would be closed and a new entrance created to the east. This would lead to a parking area with 16 car parking spaces (2 disabled). A store would also be provided for 2 or 3 mobility scooters. The existing footpath would be realigned further to the west. Whilst some trees would be removed, the majority would be retained including the London plane and magnolia to the rear. The rear of the site would be used as informal gardens.

An independent viability assessment has been carried out showing that it is not economically viable to provide a policy compliant level of affordable housing with the scheme. However, it is viable to provide a contribution towards delivering affordable housing off-site equating to 8%. It is also viable to provide the full contributions towards waste management and the South Devon Link Road (SDLR). The applicant has agreed to sign a section 106 agreement securing these contributions. This is currently being drafted by Torbay Council Legal Services.

### **Summary Of Consultation Responses**

*Housing Services:* Disappointed that contributions have been reduced, including affordable housing, but recognise this is a result of an independent viability assessment. Therefore, there are no grounds for objection.

*Highways/Strategic Transportation:* The footpath is not a public right of way and it will need to be confirmed if it is intended to make it a public right of way. Notwithstanding, the footpath should be widened to 3 metres and a 2.5 metre wide new bridge to Victoria Park built to allow for a shared use footway/cycleway.

The revised entrance proposals require changes to parking along Courtland Road costing £1,500. Build outs must be constructed at the access points to improve visibility and pedestrian safety.

A Travel Plan should be secured by condition.

A sustainable transport contribution of £31,132 is required (this does not take into account the IVA).

*Engineering:* Drainage: No details provided on proposed soakaways. This information should be provided before planning permission is granted.

*SW Water:* Only foul drainage to connect to the foul or combined sewer. A sustainable urban drainage system should be used to remove surface water. If this is not viable the developer should contact SW Water.

*Arboricultural Officer:* A detailed Arboricultural Implications Assessment in line with BS 5837:2012 is required, together with a landscape strategy or detailed landscape plan before a recommendation of support on arboricultural merit can be made.

*English Heritage:* Accept demolition of existing building. Pleased that Courtland Road elevation responds to surrounding context. A streetscene drawing should be submitted of the park elevation in order to fully understand how it responds to the locality. The views of the Torbay Design Review Panel should be sought.

*Police Architectural Liaison Officer:* The development should be constructed in accordance with Secured by Design standards and this should be secured by condition. Recommended minor design improvements to reduce crime and disorder.

*Building Control:* A ground investigation report will be required to support the foundation design. A BR application is required.

### **Summary Of Representations**

One objection and one letter of support received. The following issues have been raised:

- Block of modern flats not in keeping with current houses
- Impact on privacy and daylight
- Additional noise and traffic
- Courtland Road already very busy
- Loss of trees and impact on wildlife
- Impact on people using the park
- Lack of parking for Nursery who use the site for parking at present
- Impact on on-street parking
- More details of the exact boundary, construction and maintenance of the boundary and who will be responsible of drain/culvert under the tennis

courts required

These representations have been reproduced and sent electronically for Members consideration.

### **Relevant Planning History**

DE/2012/0036: Proposed 40 units of sheltered housing for the elderly apartments; communal facilities, car parking and landscaping (pre-application enquiry): Pending Consideration

ZP/2007/0351: Development Over 2/3 Storeys (pre-application enquiry): Approve 19.04.2007

P/2001/0652: Alterations And Erection Of Extension To Provide A Computer Suite With Entrance Lobby, Wcs, Landing Ramp And Stairs: Approved 06.08.2001

### **Key Issues/Material Considerations**

The key issues are:

1. Principle of Development
2. Design
3. Impact on Character and Appearance of Conservation Area
4. Impact on Amenity of Neighbouring Properties and Park
5. Impact on Trees
6. Impact on Biodiversity
7. Impact on Highways and Parking
8. Drainage

#### **1. Principle of Development**

The principle of the development is acceptable. The existing building is vacant and becoming dilapidated. The new use as sheltered housing flats would fit into the character of the area, which is predominantly residential. The scheme would result in the beneficial reuse of the land in accordance with Local Plan Policy EP6.

#### **2. Design**

The design of the building is high quality and appropriate for the character of the area. It follows a pre-application enquiry submitted by the applicant where the scheme was taken to the Torbay Design Review Panel (TDRP). The Panel was run as a design workshop, where Panel Members, officers and the applicant's design team worked together in order to agree the correct design response for the site. The applicant's original proposals were subsequently revised to accord with the Panel's findings and guidance. Further to this, officers were able to negotiate the use of red sandstone instead of brick on the elevations.

The layout of the site is appropriate and follows TDRP's advice. The existing footpath through the site would be retained and overlooked by the development for safety. Strategic Transportation has requested the widening of this footpath, but this is considered unnecessary given the adjacent trees which it is preferable to retain. Likewise, a new bridge is considered unnecessary. Signage could be erected to encourage cyclists to push their bicycles along this stretch of footpath to avoid conflicting with pedestrians.

A detailed landscaping plan is required, which can be secured by condition.

A condition could also be added to require Secured by Design certification, as requested by the Police Architectural Liaison Officer.

The design is considered appropriate. Therefore, the proposals accord with Local Plan Policies BES and BE1, and Section 7 of the NPPF.

### **3. Impact on Character and Appearance of Conservation Area**

The design has taken into account the character of the Polsham Park sub-area of the Polsham Conservation Area. This was a key consideration of the TDRP. The blocks have been designed to look like two Victorian villas that characterise the Polsham Park estate, all-be-it they are a contemporary interpretation of these villas. They will be constructed from red sandstone, which is a strong characteristic of the conservation area.

Therefore, the proposals accord with Local Plan Policy BE5, and Section 12 of the NPPF.

### **4. Impact on Amenity of Neighbouring Properties and Park**

Despite an objection from a local resident living in a flat on the opposite side of Courtland Road, it is considered that the proposed development would not have an adverse impact on the amenities of nearby occupiers. There is sufficient separation distance between the proposed blocks and nearby properties to maintain adequate levels of privacy and daylight. Likewise, despite concerns by the same objector, it is considered that the proposed development would not have an adverse impact on the amenities of users of the park.

Therefore, the proposals accord with Local Plan Policies H9 and H10, and paragraph 17 of the NPPF.

### **5. Impact on Trees**

The majority of trees on the site would be retained, but inevitably some trees would need to be removed as a result of the proposals. None of the trees to be removed are significant. The London plane and magnolia trees to the rear of the site would be retained within the gardens.

The Arboricultural Officer has requested a detailed Arboricultural Implications Assessment and landscaping strategy. The former is considered unnecessary given the overall benefits of the scheme; however, an Arboricultural Method Statement and Tree Protection Plan would be required by condition if planning permission is granted showing how existing trees would be protected during construction. The detailed landscaping strategy can be secured by condition.

Therefore, subject to the conditions above, the proposals accord with Local Plan Policies L9, L10 and BE2.

### **6. Impact on Biodiversity**

An Extended Phase 1 Habitat Survey was carried out and submitted with the application. This states that the value of habitats on site is low and relatively insignificant.

However, the site is used by birds (none are Devon BAP species), so nest boxes should be included and site clearance should not take place during the bird breeding season. These can be secured by condition.

No bats were observed on the site, but a precautionary approach to the demolition of the existing building is recommended. This can be dealt with by condition.

The site has a very limited potential for reptiles or protected amphibians. Therefore a works method statement is recommended to minimise any potential impacts on reptile and amphibian species. This can be secured by condition.

Therefore, subject to the conditions above, the proposals accord with Local Plan Policies NCS and NC5.

### **7. Impact on Highways and Parking**

Despite concerns raised by the objector, Highways and Strategic Transportation do not object to the proposals. This takes into account the traffic generated by the scheme. However, £1,500.00 is required to amend the existing waiting restrictions on Courtland Road and build outs must be constructed at the access points to improve visibility and pedestrian safety. The former shall be secured via a 278 agreement with the Local Highway Authority, which shall be a condition of planning permission if granted. The latter can be dealt with via a condition for detailed access plans.

A Travel Plan is also required, which can be secured by condition.

16 car parking spaces (2 disabled) would be provided for the 38 flats. This is a parking ratio of 0.4. This is considered acceptable given the close proximity of the site to the facilities and services available in Paignton Town Centre, and bus services along Torquay Road. The TDRP also suggested some form of 'car club'

for residents. Local Plan Policy T25 sets a maximum parking ratio of 0.5 spaces per dwelling for sheltered flats.

Therefore, subject to the conditions above, the proposals accord with Local Plan Policies T25 and T26.

### **8. Drainage**

It has been discovered that soakaways are not possible on the site, due to the ground conditions. Therefore, the applicant is in discussions with the Council's Engineering department regarding the most appropriate method to dispose of surface water from the site. One option is to discharge into the ditch between the park and the site. This could have the added benefit of enhancing biodiversity.

Should the application be approved, a condition is needed requiring the submission of the proposed drainage strategy prior to commencement of development to avoid the risk of flooding.

### **S106/CIL -**

A section 106 agreement is currently being prepared by Legal Services to secure the following contributions:

|   |                           |
|---|---------------------------|
| Waste Management (Site Acceptability)         | £ 1,900.00                |
| South Devon Link Road                         | £ 15,850.00               |
| Payment in lieu of on-site affordable housing | £421,775.50               |
| 5% Administration Charge                      | £ 887.50                  |
| <b>Total =</b>                                | <b><u>£440,413.00</u></b> |

These contributions have been agreed with officers following an independent viability assessment. The assessment concluded it was unviable to provide the full policy compliant level of affordable housing and contributions.

### **Justification:**

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

The contribution towards the SDLR is justified in Appendix 1 of the 'Third Party Contributions towards the South Devon Link Road' report adopted by the Council on 6 December 2012 and is based on an assessment of the impact that the development would have on the road.

The contribution towards affordable housing is justified in Section 3.0 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD

(LDD6). It also accords with Local Plan Policy H6.

### **Conclusions**

In conclusion, the proposals would provide a high quality development on a site with a vacant and semi-derelict building. Therefore, it would tidy up the site and bring it back into beneficial use. The design is appropriate for the surroundings and it would enhance the character of the conservation area. It has taken into account the findings and guidance of the Torbay Design Review Panel. A number of conditions are required to deal with technical matters. A section 106 agreement is required to secure the contributions that have been agreed with officers as being viable following an independent viability assessment.

### **Condition(s)/Reason(s)**

01. No development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority: (1) Evidence that trial holes and infiltration tests have been carried out on the site to confirm whether the ground is suitable for a soakaway(s). Trial holes and infiltration tests must be carried out in accordance with Building Research Establishment Digest 365. In addition, evidence demonstrating that the use of a soakaway(s) at this location will not result in an increased risk of flooding to surrounding buildings, roads and land. This should take into consideration re-emergence of surface water onto surrounding properties after it has soaked away. In the event that the evidence submitted under (1) above demonstrates that the ground conditions are suitable for a soakaway(s) and will not result in an increased risk of flooding to surrounding buildings, roads and land: (2) Detailed design of the soakaway(s) in accordance with Building Research Establishment Digest 365, including how it has been sized and designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change.(3) Details of the surface water drainage system connecting the new building to the soakaway(s), which must be designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change. In the event that the evidence submitted under (1) above demonstrates that the ground conditions are not suitable for a soakaway(s) or will result in an increased risk of flooding to surrounding buildings, roads and land: (4) Evidence of how surface water will be dealt with in order not to increase the risk of flooding to surrounding buildings, roads and land. None of the dwellings shall be occupied until the approved surface water drainage system has been completed as approved and it shall be continually maintained thereafter.

Reason: In the interests to adapting to climate change and managing flood risk, and in order to accord with saved Policy EPS of the Adopted Torbay Local Plan 1995-2011 and paragraph 103 of the NPPF.

02. No development shall take place until a Construction Method Statement

has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (a) the parking of vehicles of site operatives and visitors (b) loading and unloading of plant and materials (c) storage of plant and materials used in constructing the development (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate (e) wheel washing facilities (f) measures to control the emission of dust and dirt during construction (g) a scheme for recycling/disposing of waste resulting from demolition and construction works (h) measures to minimise noise nuisance to neighbours from plant and machinery

Reason: To safeguard the Local Planning Authority's rights of control over these details to ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the convenience of highway users.

03. No development shall take place until a Works Method Statement is submitted to and approved in writing by the Local Planning Authority setting out the steps that will be taken during construction to minimise any potential impacts on reptile and amphibian species. The approved Statement shall be adhered to throughout the construction period.

Reason: In the interests of biodiversity and in order to comply with saved Policies NCS and NC5 of the Adopted Torbay Local Plan 1995-2011, and paragraph 118 of the NPPF.

04. Demolition of the existing building and removal of trees and vegetation shall not be undertaken during the bird breeding season from March to September, inclusive. If this period cannot be avoided a pre-works check by a qualified ecologist must be undertaken to ensure there are no nesting birds present on the site. If breeding birds are found or suspected, works will not be permitted until the ecologist is satisfied that breeding is complete.

Reason: In the interests of biodiversity and in order to comply with saved Policies NCS and NC5 of the Adopted Torbay Local Plan 1995-2011, and paragraph 118 of the NPPF.

05. Demolition of the existing building shall take place in the presence of a qualified ecologist and shall follow the precautionary approach set out in the submitted Extended Phase 1 Survey by Just Ecology Limited dated March 2013. If bats are found or suspected, works will not be permitted until the ecologist is satisfied that they can continue without harming the bats.

Reason: In the interests of biodiversity and in order to comply with saved Policies NCS and NC5 of the Adopted Torbay Local Plan 1995-2011, and paragraph 118

of the NPPF.

06. No development shall take place until an Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837:2012 (or any superseding standard) have been submitted to and approved in writing by the Local Planning Authority. This shall include location and details of protective fencing, which must be erected before development commences and retained until the completion of the development. No vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences. The approved Arboricultural Method Statement and Tree Protection Plan shall be adhered to throughout the construction period.

Reason: To protect the trees which are to be retained in the interests of the amenities of the area and in order to comply with saved Policies L9 and L10 of the Adopted Torbay Local Plan 1995-2011.

07. No development shall take place until a Landscaping Scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The Landscaping Scheme shall include hard and soft landscaping, including the treatment of the vehicular access and parking to serve the site. The hard landscaping shall be constructed as approved prior to the occupation of any of the dwellings. The soft landscaping shall be planted within the first planting season following the occupation of any of the dwellings or completion of the development, whichever is the sooner, or in earlier planting seasons where practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of design and in order to accord with saved Policy BE2 of the Adopted Torbay Local Plan 1995-2011, and paragraph 58 of the NPPF.

08. No development shall take place of the buildings hereby permitted until an External Materials Schedule has been submitted to and approved in writing by the Local Planning Authority showing full details of all external materials of the building, including specification and images. The External Materials Schedule shall include the arrangements for the display of samples of materials on site prior to the approval of the same. The building shall be constructed from the materials approved.

Reason: In the interests of design and in order to accord with saved Policies BE1 and Be5 of the Adopted Torbay Local Plan 1995-2011, and paragraph 58 of the NPPF.

09. No development shall take place until a Section 278 Highways Agreement has been entered into in order to secure the necessary works to the public

highway. The 278 works shall include changes to the existing waiting restrictions along Courtland Road and build outs at the access points to break up the parking into sheltered bays and provide improved visibility for vehicles and pedestrians exiting the site. The works shall be implemented prior to the occupation of the first dwelling.

Reason: In order to ensure a suitable form of development in accordance with saved Policies TS, T1 and T26 of the Adopted Torbay Local Plan 1995-2011.

10. No development shall take place until a detailed access plan of the proposed vehicular access on Courtland Road has been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed as approved.

Reason: In order to ensure a suitable form of development in accordance with saved Policies TS, T1 and T26 of the Adopted Torbay Local Plan 1995-2011.

11. Prior to the occupation of any of the dwellings hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority setting out measures that will be undertaken to encourage and facilitate the use of sustainable modes of travel by the future occupants of the dwellings instead of the private car. The development shall be promoted as a low car development in the Travel Plan. The measures shall be implemented as approved.

Reason: To encourage and facilitate the use of sustainable modes of travel by the future occupants of the dwellings in accordance with saved Policies TS and T2 of the Adopted Torbay Local Plan 1995-2011 and Section 4 of the NPPF.

12. Prior to the occupation of any of the dwellings hereby permitted, an external lighting scheme of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the specification of the external lighting to account for the protection of the amenities of neighbouring properties from light pollution. The external lighting scheme shall be implemented as approved prior to the occupation of any the dwellings. Should any of the external lighting become damaged and need replacement it shall be replaced with external lighting of the same specification. No additional external lighting shall be installed on the building or the site.

Reason: In the interests of crime prevention in accordance with saved Policy CF2 of the Adopted Torbay Local Plan 1995-2011 and to ensure the protection of neighbouring properties from light pollution in accordance with saved Policies H9 and EP5 of the Adopted Torbay Local Plan 1995-2011 and paragraph 17 of the NPPF.

13. Prior to the occupation of any of the dwellings hereby permitted, a

contamination survey of the site shall be submitted to an approved in writing by the Local Planning Authority. Should contamination be found on the site, the Contamination Survey shall include measures to either remove the contamination or render it harmless to peoples' health and safety. The measures shall be carried out as approved prior to the occupation of any of the dwellings.

Reason: In the interests of health and safety in accordance with saved Policy EP7 of the Adopted Torbay Local Plan 1995-2011.

14. The development shall be built to Secured by Design Standards and shall aim to achieve a full certification in this regard. Evidence that this has been achieved shall be submitted to and approved in writing prior to the occupation of any of the dwellings. This shall account for the advice by the Police Architectural Liaison Officer.

Reason: In the interests of crime prevention in accordance with saved Policy CF2 of the Adopted Torbay Local Plan 1995-2011.

15. None of the dwellings shall be occupied until all of the car parking spaces and access thereto shown on the approved plans have been provided and made available for use. The car parking spaces shall be kept permanently available for parking and access purposes thereafter, and shall be clearly marked as being designated to individual dwellings and/or visitors parking.

Reason: To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use, in accordance with saved Policies T25 and T26 of the Adopted Torbay Local Plan 1995-2011, and in the interests of highway safety and in order to protect the residential amenities of the neighbourhood.

### **Relevant Policies**

|     |   |
|-----|---|
| HS  | Housing Strategy                            |
| H2  | New housing on unidentified sites           |
| H6  | Affordable housing on unidentified sites    |
| H9  | Layout, and design and community aspects    |
| H10 | Housing densities                           |
| CFS | Sustainable communities strategy            |
| CF2 | Crime prevention                            |
| CF6 | Community infrastructure contributions      |
| IN1 | Water, drainage and sewerage infrastructure |
| L9  | Planting and retention of trees             |
| L10 | Major development and landscaping           |
| NCS | Nature conservation strategy                |
| NC5 | Protected species                           |

EPS Environmental protection strategy  
EP1 Energy efficient design  
EP5 Light pollution  
EP6 Derelict and under-used land  
EP7 Contaminated land  
EP8 Land stability  
BES Built environment strategy  
BE1 Design of new development  
BE2 Landscaping and design  
BE5 Policy in conservation areas  
TS Land use transportation strategy  
T2 Transport hierarchy  
T25 Car parking in new development  
T26 Access from development onto the highway

# Agenda Item 7

**Application Number**

P/2013/0990

**Site Address**

Rear Of  
Tor Park Road Car Park  
Paignton  
Devon  
TQ4 7PL

**Case Officer**

Matt Diamond

**Ward**

Blatchcombe

**Description**

Change of use from vacant storage yard (B8) to Dog Day Care Centre (sui generis), with associated buildings, pens and parking.

**Executive Summary/Key Outcomes**

The application is for a change of use from vacant storage yard (B8) to a dog day care centre (sui generis), with associated buildings, pens and parking. The centre is to house a maximum of 100 dogs.

The principle of the proposed use is considered to be acceptable and is a beneficial use of a brownfield site within an industrial estate, with the potential over time to create the full time equivalent of eight jobs.

There are adjoining residential properties on Borough Road, the closest of which is some 35 metres from the site. The living conditions of the occupiers of these dwellings are a significant material consideration given the potential noise impact of the scheme.

However, it is considered that any potential noise nuisance can be dealt with by a noise management plan which would be submitted to the Local Planning Authority prior to the use commencing and a contribution from the applicant could be sought to monitor its implementation and success.

On balance the proposal is deemed to be an acceptable development in planning terms.

**Recommendation**

Conditional approval

**Statutory Determination Period**

The eight week target date for the application was 21.12.2013. A site review meeting was undertaken on 16.01.2013 at which it was decided that the application should be put before the Development Management Committee. Due

to the requirement for a site review meeting the February Development Management Committee was the earliest date the application could be determined.

### **Site Details**

The application site is located in the first industrial plot to the rear of Borough Road on Tor Park Road. The land currently has a B8 storage use.

### **Detailed Proposals**

The application seeks permission for the change of use from a vacant storage yard (B8) to a dog daycare centre (sui generis) with a total of four buildings, parking and a turning area. The facility proposes to take a maximum of 100 dogs.

### **Summary Of Consultation Responses**

*Highways* No objection

*Environmental Health* No objection subject to appropriate conditions to minimise the impact of noise and nuisance caused by dog barking

*Drainage* No objection

*South West Water* No objection

*Arboricultural Officer* No objection

### **Summary Of Representations**

Eleven letters of representation have been received, 3 in objection and 8 in support. The material planning issues raised by the letters of objection relate to noise and the likely increase in traffic.

The letters of support cite the successful management of the existing business which operates from the applicant's home on a much smaller scale basis. The support letters say that the use does not create significant noise and is a valued service for its customers.

These representations have been reproduced and sent electronically for Members consideration.

### **Relevant Planning History**

ZP/2012/0314 Split decision 12.09.2012

### **Key Issues/Material Considerations**

The main issues are the principle of the change of use, the impact on neighbouring living conditions and highways implications.

### **Principle**

The principle of the proposed use is considered to be acceptable and is a beneficial use of a brownfield site within an industrial estate.

Although this use would be most suited to an industrial area and this is a brownfield site, some consideration should be given to the number of jobs the day care centre would contribute as opposed to another more intensified form of industrial activity. The day care centre is to employ a total of 7 full time equivalent staff to start with and bearing in mind the suitability of the site, the fact that it is vacant and brownfield, having previously been used for storage, the additional jobs the use would create are deemed to be sufficient in this instance. The previous storage use did not generate any significant employment on-site.

### **Impact on neighbouring living conditions**

The applicant states that the noise levels from the proposed use will not be significant as the dogs will be kept entertained and therefore will have no reason to bark. Dogs generally bark when they are bored, lonely, over excited, hungry, frightened or because they have learned that barking leads to certain responses.

Proper management of the facility, through agility, activity, socialising, dog walking, feeding and nurturing should lead to the actual noise levels being limited. However, this is somewhat of an unknown quantity, and is difficult to assess in comparison to more traditional industrial uses.

The Environmental Health officer has recommended that these issues could be dealt with by adding conditions relating to opening times and the submission of a noise management plan. There is potential, if members felt it necessary, to monitor the noise levels and a contribution could be sought from the applicant towards this. This would ensure that the noise management plan was working sufficiently and not causing undue harm to the amenity of the occupiers of neighbouring properties.

When weighing up these points and considering that this land is within an industrial estate which by its nature is noisy, it is deemed that a conditional approval with the submission of a noise management plan and control on opening hours would make the proposed change of use acceptable in planning terms.

### **Highways/traffic impact**

The Sustainable Transport officer has confirmed that a sustainable transport contribution will not be required in this case as the number of jobs created mitigates the number of additional vehicular movements.

The number of additional vehicle movements resulting from this development is somewhat unknown as there are no similar types of use in the area.

The proposal is to cater for up to 100 dogs and therefore in the worse case this may result in 100 additional trips to and from the site.

However, it is very likely that customers of the day care centre will be dropping off dogs as part of a journey to work or to shop and therefore not making an additional trip, rather a stop off. The nature of the use is likely to attract 'activity' based trips as opposed to new trips in the highway.

Given the likelihood of activity based trips, given that the road is heavily used by a number of cars and lorries visiting the industrial estate, and given the generation of employment on the site a sustainable transport contribution has not been requested in this instance.

The Highways Officer has advised that there is no intention to adopt the road, but recommend that the vegetation be cut back to improve visibility for all site users at the junction with Tor Park Road.

#### **S106/CIL -**

A Section 106 contribution is not required for this proposal (see above).

#### **Conclusions**

The proposed change of use is considered to be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations.

#### **Condition(s)/Reason(s)**

1. Prior to the commencement of the development a noise management scheme shall be submitted to and agreed in writing by the Local Planning Authority. The management scheme shall pay particular attention to the control of noise from barking, particularly in external areas. The scheme shall be implemented in full upon the first use of the site for Dog Day Care. The management scheme shall include a review mechanism and this shall provide for a review and (where necessary) an update of the noise management scheme on receipt of complaints substantiated by the Local Environmental Health Department or at least annually.

Reason: In the interests of the amenities of the area and in accordance with the requirements of policy EP4 of the saved adopted Torbay Local Plan 1995-2011

2. Dogs shall only be allowed on the premises between the hours of 07:00 to 19:00 Monday to Friday and 07:00 to 13:00 on Saturdays. No dogs shall be on the premises outside of these times or on Sundays or bank holidays.

Reason: In the interests of the amenities of the area and in accordance with the requirements of policy EP4 of the saved adopted Torbay Local Plan 1995-2011

3. Prior to the commencement of the development a detailed plan and methodology for the protection of trees around the perimeter of the site (include fencing of root protection areas) shall be submitted to and approved in writing by the Local Planning Authority. The tree protection shall then be implemented in accordance with the approved details and shall remain in situ at all times during the construction of the development.

Reason: In the interests of the amenities of the area and in order to comply with policy L2 of the saved adopted Torbay Local Plan 1995-2011

4. The recommendations in the approved Phase 1 Habitat and Protected Species Assessment, (received August 2013) shall be adhered to at all times.

Reason: In the interests of the amenities of the area and in order to comply with policies L2, NCS & NC5 of the saved adopted Torbay Local Plan 1995-2011

5. No development shall take place until details of the proposed drainage strategy have been submitted to and approved in writing by the Local Planning Authority. This should prioritise sustainable drainage systems. The development shall not be usefully occupied until the drainage system has been installed as approved. If the proposed drainage system includes soakaways, the following information must be submitted as part of these details:(1) Evidence that trial holes and infiltration tests have been carried out in the location(s) of the proposed soakaway(s) demonstrating that the ground conditions are suitable for a soakaway(s). Trial holes and infiltration tests must be carried out in accordance with Building Research Establishment Digest 365. In addition, evidence demonstrating that the use of soakaways at this location will not result in an increased risk of flooding to surrounding buildings, roads and land. This should take into consideration re-emergence of surface water onto surrounding properties after it has soaked away. In the event that the evidence submitted under (1) above demonstrates that the ground conditions are suitable for a soakaway and will not result in an increased risk of flooding to surrounding buildings, roads and land: (2) Detailed design of the soakaway(s) in accordance with Building Research Establishment Digest 365, including how it has been sized and designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change.(3) Details of the surface water drainage system connecting the new buildings to the soakaway(s), which must be designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change. If it is demonstrated

that the ground conditions are not suitable for soakaways and the only option to dispose of surface water is to the mains sewer, attenuation measures must be installed to limit surface water discharge to the existing surface water runoff rate or less. Only where it is demonstrated that soakaways and attenuation measures are not feasible due to site conditions will a direct connection to the mains sewer be allowed, subject to no objection from South West Water.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy EPS of the Adopted Torbay Local Plan 1995-2011 and paragraph 103 of the NPPF.

### **Relevant Policies**

- BES Built environment strategy
- BE1 Design of new development
- EP4 Noise
- ES Employment and local economy strategy
- E1 New employment on identified sites

# Agenda Item 8

## Application Number

P/2013/1152

## Site Address

Plot Adj. Roundham House  
Roundham Road,  
Paignton  
TQ4 6ER

## Case Officer

Carly Perkins

## Ward

Roundham With Hyde

## Description

Proposed new dwelling to include new fence and gate to northern boundary of site

## Executive Summary/Key Outcomes

The application is for the construction of a dwelling within a domestic garden. The site lies within the Roundham and Paignton Harbour Conservation Area. Vehicular access is via an existing driveway through the grounds of Roundham House and pedestrian access can be achieved via an existing pedestrian gate from Roundham Road.

The proposal is considered acceptable in this location and without serious detriment to residential amenity of neighbouring occupiers or the character or appearance of the Conservation Area or wider locality. This is subject to conditions and the payment of section 106 contributions.

## Recommendation

Conditional Approval; subject to the prior submission of surface water drainage details and payment of 106 contributions / signing of the 106 agreement within 3 months of the date of this committee meeting.

## Statutory Determination Period

8 weeks, the determination date was 7 January 2014, the application is time expired due to the requirement for a Site Review Meeting and thereafter a committee determination.

## Site Details

The application site forms part of a larger plot currently occupied by a building divided into several residential flats. The application site has been separated from the rest of the site by stone walls and timber fencing. The existing site would have at some point been used as garden land in association with Roundham House, however the site appears to have been disused for some time and is now fairly overgrown.

### **Detailed Proposals**

The proposal is to formally separate the application site from the rest of the plot and erect a dwelling with associated residential curtilage. The dwelling is to be cut into the site with the front elevation facing south. Vehicular access is via the existing vehicular access from Belle Vue Road and pedestrian access is via an existing gateway off Roundham Road. The proposal also includes the provision of gates to the northern boundary to allow vehicular access to the site.

### **Summary Of Consultation Responses**

*Conservation Officer:* Verbally raised no objection.

*Drainage Engineer:* Sustainable drainage systems for dealing with surface water run off from the development should be investigated. If surface water is to be drained via soakaways then the developer must carry out trial holes and infiltration tests at the locations of the proposed soakaways. These infiltration tests are required to confirm that the ground conditions are suitable for soakaways and in addition the infiltration rate will be used to design the required soakaways. The design for these soakaways should be carried out in accordance with BRE Digest 365. This design should be submitted showing that the proposed soakaways have been designed to cater for the critical 1 in 100 year storm event plus an allowance for climate change.

*Highways Officer:* No objection.

*Building Control:* A ground investigation report should be provided to support the foundation design, consideration needs to be given to the unprotected areas of timber boarding clad to the external elevations to satisfy diagram 22 of B4 of approved document B volume 1 of the building regulations 2010, full radon protection required, surface water drainage should discharge to soakaways, full compliance with part M required and proposal requires a full plans building regulation application.

### **Summary Of Representations**

6 representations have been received of which 5 were objections. Issues raised:

- Impact on view generally and as a result of proximity
- Concerns regarding access
- Impact on value of property as a result of proximity
- Impact on amenity as a result of additional traffic on driveway
- Impact on parking
- Impact on privacy

In line with the Site Review Meeting Protocol, a meeting took place on 19.12.2013 and following this meeting it was agreed with Councillor Brooksbank that the application be considered by the Development Management Committee.

These representations have been reproduced and sent electronically for Members consideration.

### **Relevant Planning History**

P/1989/0964 Alterations and extensions to form additional 8 flats (as amended by plans dated 14th July 1989 and 27th September 1989) APPROVED 09.10.1989

It is noted that during the site review meeting several attendees stated that a previous planning application for a dwelling in this location was refused. A site history search has been carried out and no record of any planning application for a dwelling here has been found.

### **Key Issues/Material Considerations**

The relevant considerations are the standard of the internal environment for potential occupiers, parking provision, the impact of the proposals on neighbouring residential amenity and the impact of the development on the character and appearance of the Roundham and Paignton Harbour Conservation Area

#### **Character and Appearance:**

The proposed dwelling includes timber cladding, slate, render and natural stone which are considered to be an appropriate mix of materials for this locality. The design reflects the proposals previously approved at the adjacent site, 17 Roundham Road.

Views from outside the site are limited to those from Roundham Road, the wall to the southern boundary is to be retained and along with an existing hedgerow will further limit views of the proposal. It is noted that the application site falls within Roundham and Paignton Harbour Conservation Area and due to the proposals limited visibility and appropriate design the proposal is considered to preserve the character and appearance of the Conservation Area. The design has been verbally discussed with the Conservation Officer and no objections have been raised. A condition requiring the submission of materials prior to the commencement of the development has been recommended in the interests of the visual amenity and to ensure that the proposal will preserve the character and appearance of the Conservation Area.

#### **Residential Amenity:**

The proposed application is bounded by an existing wall and timber fence limiting views out of the site. In addition due to the change in landform, the height of the dwelling is limited at the point closest to residential dwellings at Roundham House. Due to the distance between the proposed dwelling and any neighbouring dwellings, together with the change in land levels the proposal is not considered to result in any serious detriment to residential amenity by reason of loss of light or by reason of being unduly dominant.

Proposed windows to the side and rear are to be obscure glazed and a condition has been included to this affect. The windows to the front of the property are located sufficient distance from those opposite not to result in any serious detriment to residential amenity by reason of loss of privacy. Representations regarding the proximity of the dwelling to the adjacent garden are noted however in light of the level changes and the separation distance which is maintained at 2m, the proximity is not considered to result in any serious detriment to residential amenity by reason of loss of light or by reason of being unduly dominant or overbearing.

Representations regarding the impact of additional traffic using the existing driveway are also noted. The proposal is for one additional dwelling and as this is an existing driveway already used by vehicle traffic which will be travelling at reasonably slow speeds there is not considered to be significantly greater impact to residential amenity as result of this one additional dwelling.

It is noted that two new properties are proposed to the west of the site within the ground of 17 Roundham Road. These properties are located along the shared boundary with the application site and have two roof lights facing the site. Due to the position and angle of the these rooflights, the proposed dwelling is not considered to result in any serious detriment to the residential amenity of the future occupiers of these dwellings by reason of loss of light or by reason of being unduly dominant or overbearing.

**Private Amenity Space:**

The size of the proposed dwelling is considered proportionate to the size of the plot and the level of the private amenity space available to the future occupiers of the proposed dwelling is considered acceptable.

**Highway Safety and Parking Provision:**

In line with the comments from the Highways Officer, the vehicular access will be via an existing access point and therefore there is not considered to be significantly greater impact to highway safety as a result of this one additional dwelling.

Representations have been received about the impact on parking as a result of the proposed development. The application at Roundham House to create 7 additional flats, application reference P/1989/0964 provided 13 parking spaces, 5 spaces were provided to the front of the building and another 8 spaces were provided to the rear in the arrangement shown on drawing number 1325/4 that has been submitted as part of this application. The proposed dwelling would not affect the parking spaces for Roundham House. Whilst the residents of Roundham House may use the existing hardstanding beyond these spaces identified on drawing number 1325/4 as parking, this has not been safeguarded

through any planning permission and so would not constitute a reason to refuse the application.

In terms of the parking associated with the proposed dwelling, the proposal includes two parking spaces which is sufficient. However these spaces are 4.6m by 2.4m which would fall short of the recommended size where gates have been provided. These gates are required to open inwards and therefore a length of 6m is required and in order to provide pedestrian access the width of the spaces should be increased to 3.2m. Full details of hard and soft landscaping has not been provided in the application submission and therefore it is considered appropriate to include a condition requiring full details prior to the commencement of the development. A further condition requiring the retention of parking facilities has also been recommended. Representations about rights over the land and individual deeds have been noted but are civil issues and not planning considerations.

**Landscaping:**

The information submitted with the application in terms of proposed landscaping is limited. It is assumed that due to the presently unmanaged nature of the site, some pruning may be required to existing hedgerows. In the interests of visual amenity a condition has been included required details of hard and soft landscaping (to include boundary treatments), prior to the commencement of development, to be submitted and approved by the Local Planning Authority.

**Drainage:**

It is proposed that surface water drainage be dealt with via soakaways and/or main sewers. As no detailed information has been submitted in line with comments from the Council's Drainage Engineer it is recommended that prior to the approval of the application details of surface water drainage are submitted to the Local Planning Authority to ensure an adequate form of drainage can be achieved.

**Conditions:**

In addition to the conditions noted above regarding landscaping, materials and parking it is also recommended to include a condition relating to the removal of permitted development rights. Whilst at present the proposed dwelling is considered acceptable the inclusion of extensions to the rear and sides of the development may result in a detrimental impact to the appearance of the locality, residential amenity by reason of proximity to boundaries or an undue loss of private amenity space and therefore it is considered necessary to ensure that any additions to the dwelling are subject to planning consideration.

**S106/CIL -**

As part of the application process the proposal has been assessed against the Council's adopted Planning Contributions and Affordable Housing Supplementary

Planning Document and subsequent updates ('the SPD'). This requires all appropriate developments to mitigate any adverse impacts they may have, individually and collectively, on the community infrastructure of Torbay. In addition, the application has been assessed against the adopted Council Report 'Third Party Contributions towards the South Devon Link Road', which seeks contributions towards funding the South Devon Link Road (SDLR) where new development impacts on, or contributes to the need for the SDLR.

The following contribution is required, based on the type and size of the development proposed:

**FINANCIAL CONTRIBUTION:**

|  |           |
|--|-----------|
| Waste Management   | £ 50.00   |
| Sustainable Transport  | £2,527.25 |
| Education (in Paignton only)   | £1,057.25 |
| Lifelong Learning - Libraries  | £ 227.25  |
| Greenspace and Recreation<br>(where no onsite public open space)                 | £2,187.25 |
| South Devon Link Road<br>(subtracted from sustainable development contributions) | £ 731.00  |

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**TOTAL FOR DEVELOPMENT  
(including 5% admin charge) £7,119.00**

**Total for development with 5% early payment discount  
(including 5% admin charge) £6,763.05**

**Conclusions**

The proposal is considered acceptable in this location and without serious detriment to residential amenity of neighbouring occupiers or the character or appearance of the Conservation Area or wider locality. It is noted in the letter from the agent that the applicant intends to pay the required planning contribution via an upfront payment.

**Condition(s)/Reason(s)**

01. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development of the types described in Classes A, B, C, D, E, F and G of Part 1 and Classes A and C of Part 2 of Schedule 2 (which includes enlargement, improvement or other

alteration, porches, sheds, greenhouses, huts, oil storage tanks, fences and walls) shall be constructed (other than hereby permitted, or unless the prior written consent of the Local Planning Authority has been obtained).

Reason: To ensure that the character and appearance of the locality are protected and to avoid overdevelopment in the interests of local amenity in accordance with policy H9 of the Torbay Local Plan 1995-2011

02. Details of soft landscape works shall include retention of any existing trees and hedges, finished levels, planting plans, tree pit design, planting specification and post planting maintenance including watering and replacement of losses. The hard landscape works shall include means of enclosure and boundary and surface treatments. All works shall be carried out in accordance with the approved details and the implementation plan and thereafter maintained in accordance with the approved management plan.

Reason: To secure a landscape scheme that will complement the development in the interests of visual amenity in accordance with H9 of the Torbay Local Plan 1995-2011.

03. Parking facilities shall be provided and thereafter permanently retained for the parking of vehicles in accordance with the details to be submitted and approved in writing by the Local Planning Authority prior to the occupation of the dwelling.

Reason: To ensure adequate parking facilities are provided to serve the development in accordance with policy T25 of the Torbay Local Plan 1995-2011.

04. Prior to the occupation of the dwelling the windows in the north and east elevation shall be fitted with level 4 obscure glazing. Such windows shall be fixed unless opening parts are located higher than 1.7m above finished floor level or they are fitted with a 100mm opening restrictor. The windows shall thereafter be permanently retained in that condition.

Reason: In the interests of adjoining amenity in accordance with policy H9 of the Torbay Local Plan 1995-2011.

05. The development shall not commence until samples of all the materials 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: To ensure the development will harmonise visually with the character and appearance of the site and its surroundings in accordance with policy BES, BE1 and BE5 of the Torbay Local Plan 1995-2011.

### **Relevant Policies**

- BE1 Design of new development
- BE5 Policy in conservation areas
- H9 Layout, and design and community aspects
- EPS Environmental protection strategy
- T25 Car parking in new development
- NPPF National Planning Policy Framework
- BES Built environment strategy

# Agenda Item 9

**Application Number**

P/2013/1229

**Site Address**

Land West Of Brixham Road, Paignton

**Case Officer**

Mr Alistair Wagstaff

**Ward**

Goodrington With Roselands

**Description**

Approval of reserved matters to P/2011/0197. Appearance, landscaping, layout and scale in relation to 314 dwellings and associated development.

**Executive Summary/Key Outcomes**

The development of White Rock is one of the biggest developments in the Bay, potentially generating around 1200 jobs. Outline consent was granted in April 2013 for almost 37,000 sq meters employment space, 350 new homes and a local centre. Members will recall that residential development, within the eastern part of the site, pump primes and secures early delivery of employment space within the Western Bowl.

The application that is subject of this report is for Reserved Matters for the appearance, landscaping, layout and scale of 312 dwellings and all associated road network, open space, and landscaping located in the eastern part of the White Rock development.

Implementation of the residential scheme triggers delivery of 20,000 sq ft of employment space, as well as making a significant contribution to the Council's 5 year housing land supply and will provide 62 affordable dwellings.

The proposed layout, scale and appearance of the scheme are considered acceptable in principle and will provide a high quality residential environment.

Whilst the principle of development is accepted (as approved in outline) there are three key issues, outlined below, that remain under discussion. Progress on these will be reported verbally to Members.

1. Noise impact assessment - Businesses in Torbay Industrial Estate are very valuable to Torbay's economy. It is important to ensure that their operation and success is not unduly affected by the residential development, specifically the potential of noise impacting on future residents to the northern boundary of the site. A considerable amount of work has already been undertaken on surveys, amending the layout and design of open space and sound proofing the closest new homes.

2. Highways safety - The current layout includes two 'green streets' which are

designed as shared spaces. Whilst these will add to the quality of the development, and are acceptable in principle, further work is needed to ensure pedestrian safety. Further revisions to the proposed layout should be provided in advance of the Committee meeting.

3. Landscaping - Changes to the layout of the development, to improve the quality of the residential environment created, have necessarily resulted in changes to the landscaping scheme. Revised drawings are awaited.

Subject to a satisfactory resolution to these three principle matters the development is considered acceptable.

### **Recommendation**

Conditional Approval; delegated to the Director of Place; subject to a resolution of noise, highway safety, landscaping issues and submission of revised drawings re 'green streets'.

### **Statutory Determination Period**

13 Weeks 19th February 2014, the application will be determined within 13 weeks subject to the decision of the committee.

### **Site Details**

This reserved matters application covers the 'eastern bowl' of the wider White Rock site. The area of the site is at present grassed scrubland.

The site is in part split in two by the Waddeton Road and the newly constructed Roundabout. The roundabout is outside the application boundary and it, along with the new road layout, forms the north-eastern edge of the site. To the south the site is bordered by open farm land with a high hedge. This land forms part of the Off Site Landscape and Ecology Management Plan, which provides an extensive zone of tree planting to include a new woodland walk.

To the east of the roundabout lies the majority of the site, this section slopes upward with the highest point being the south west corner adjoining the open belt of recreation land associated with the outline application. This forms the western border of the site. There is a Devon Bank to the north with Torbay Business Park directly behind it.

The second section of the site is to the east of Waddeton Road. This section rises upward from northwest to southeast.

The land alongside Brixham Road provides space for the remaining 38 homes, to make up the 350 granted in outline. A separate application has just been received for that development and a verbal report will be provided to Members to show how development of the two sites can be achieved.

### **Detailed Proposals**

The proposal is to construct 312 dwellings (2 have been removed during the application process) of which 62 are affordable houses (in line with the outline approval). The proposal also includes the provision of three areas of open space, one of which includes allotments. The principle access route to the site is the new Junction with Brixham Road, this will connect to the central roundabout then on to Waddeton Road and Long Road.

The development is broken down in to three character areas:

1. The 'Neighbourhood Core' focused around the primary route connecting Brixham Road with Long Road, with a dense urban form composed of terraced three storey buildings.
2. The 'Residential Core' which forms the majority of the site includes a range of secondary streets which stem from Waddeton Road and the new primary route. This includes two 'green streets' which are shared surfaces with road calming details. The properties along these streets have large front gardens with extensive tree planting including raised planters. The remainder of this area is a mix of streets and cul-de-sacs with semi-detached and detached properties of 2 storeys.
3. The 'Countryside edge' around the perimeter of the site, includes public open spaces, detached properties in spacious grounds and further trees and hedgerows providing a landscape dominated setting.

These three areas together help create a high quality and legible layout.

The north boundary of the site, which abuts Torbay Business Park, is sensitive and considerable care has been taken to reduce the potential of complaints from future residents. The part of the site adjacent to Falcon Plastics is made up of allotments and public open space. The part of the site adjacent to other business units (where noise is not an issue) will be two storey properties, with a mix of detached, semi-detached and terraced homes, of which have quite deep rear gardens. The properties are, at their closest, 18 meters in distance from the business park. A 3 metre acoustic fence is to be provided to the rear of these properties (nos 1-6) on top of the boundary mound and also the length of the proposed allotments.

The detailed layout includes changes as a result of guidance from the Design Review Panel, extensive pre-application discussions, and further negotiations during the course of the application.

*EIA and HRA-*

The outline application was subject to Habitats Regulation Assessment and had a detailed Environmental Statement submitted to support the application. This has resulted in detailed on and off site Landscape and Ecology Management Plans for the area.

The Reserved Matters application was received following an advance request for EIA screening. It has been concluded that there is no need for a further Environmental Impact Assessment in this case, following a screening process that included consideration of the likely impacts of the development on the environment and because this application is in accordance with the principle of the earlier outline EIA application.

### **Summary Of Consultation Responses**

*Arboricultural officer response* The proposed numbers of trees and their planting location will provide better long term and sustainable amenity benefits than the previous version. Species type is still critically important. The main roads now contain more trees and have potential to create avenue effect. Further detail of the raised planters is still required.

*Environment Agency* No objections to the proposal providing development proceeds in accordance with the drainage strategy agreed in respect of application P/2011/0197.

*Affordable housing* Confirm support for the provision of 62 affordable homes, but require an accommodation schedule of the breakdown of the affordable units including proposed tenure splits.

*Police Architectural Liaison Officer* There is no reference to designing out crime within the Design and Access Statement. Taking steps to ensure the security and layout of the proposed development will provide reassurance to residents as well as increasing the sustainability for the site. Detailed comments have been provided covering the following areas; layout, Overlooking, access paths, defined public and private spaces, design of cul-de-sacs, defensible spaces, property design, and access points and pathways, and the 'pepper potting' of the affordable housing.

*Conservation/ Urban Design Officer* The scheme has been assessed against the criteria of Building for Life 12, as required by Condition 2 of the outline application. While a final assessment is yet to be completed provisional scoring is 9 greens, 2 ambers and 1 red, which exceeds the minimum requirement of the condition.

*Environmental Health* Latest comments to be reported at the Committee meeting

### **Summary Of Representations**

3 representations, including One objection, and 2 letters of support (with issued identified)

#### *Summary of representations:*

British Falcon Plastics (occupies the adjoining property at Kemmings Close, Paignton within the industrial estate which lies immediately to the north of the site):

A detailed objection letter has been submitted. The objection is not to the principle of residential development itself but to the specific development proposed by Linden Homes. In particular the concern of British Falcon Plastics is the distance of the residential properties to the factory and the impact that the noise and operating hours (both current and future) will have on the residential amenity of the occupiers. The concern expressed by British Falcon Plastics is that the long term future of the business could be affected in the event of complaints that may arise from the future occupiers of the residential properties. British Falcon Plastics commissioned a review of the Hoare Lee noise assessment report (in support of the outline application by University of Exeter, the Centre for Energy and the Environment.

The review of the Hoare Lee report by Exeter University identifies a significant number of areas of concern. These are summarised by the objector as:

- i) major flaws identified in the way in which the findings have been manipulated, distorted or misrepresented,
- ii) the peak noises recorded in the sound surveys have not found their way into the calculations,
- iii) data has been presented in a misleading fashion,
- iv) tolerances have been stretched and the performance of noise mitigation methods exaggerated in order to prove that, by doing the bare minimum, acceptable noise levels can be achieved.

The objector concludes that the only way the development should proceed is to place the developer under a permanent and binding obligation at its own cost to ensure that the residents of its houses are provided with an environment which meets the 'good' criteria for acceptable noise levels. This is not only given the current level of noise emissions from the factory, but those that can be reasonably predicted in the future.

#### *Summary of further representations:*

Stoke Gabriel low-e: Welcome the standard of design at this key site. They state that the inclusion of the following is very positive:- cycle and bin stores, compost

bins, water butts, clothes driers, Building for Life standards, "pepper-potted" affordable provision, comprehensive landscaping design and planting schedule, pedestrian priority streets, and allotments.

However, on the negative side are:- Only 20% affordable housing, choice of materials, Code for Sustainable Homes level 3 for affordable housing only, no opportunity for self build, no reference to sustainability should have been the starting point for development, lack of natural materials with roof tiles, disappointing to see UPVC, and not timber windows and no provision for renewable energy has been made. The development is adjacent to the South West Energy Centre and South Devon College, which could have made this site a national example of good practise and learning.

*Blue Sea Food Company:*

Support the application, but raise concern over proximity to their facility at Unit 20 Torbay Business Park - a fully functioning 24 hour, seven days a week crab processing plant. The objector requests assurances that as long as Blue Sea take all reasonable steps to minimise the effect on the immediate surroundings, they will not be forced to make huge expenditure in order to completely eliminate noise and odours which might be considered a nuisance.

These representations have been reproduced and sent electronically for Members consideration.

**Relevant Planning History**

There is a significant history to the Western Bowl and the wider application site in general. However, the most pertinent history to this application is the outline approval:

|             |  |
|-------------|--|
| P/2011/0197 | Mixed Use Development of 39 Hectares of land at White Rock, Paignton to construct up to 350 dwellings, approximately 36,800m <sup>2</sup> gross employment floorspace, a local centre including food retail (up to 1652m <sup>2</sup> gross) with additional 392m <sup>2</sup> A1/A3 use and student accommodation, approximately 15 hectares of open space, sports pavilion and associated infrastructure and engineering works to provide access, drainage and landscaping (Outline Application). Approved. 21/02/2011 |
|-------------|--|

**Key Issues/Material Considerations**

The key matters under consideration are

1. Principle
2. Outstanding matters (Layout green streets, landscaping, residential amenity)
3. Residential amenity
4. Appearance

5. Scale
6. Layout
7. Parking
8. Waste and recycling facilities
9. Access and highways matters
10. Economy

### **1. Principle**

Outline consent has already been granted for the mixed use development of the site. That application had an approved indicative layout scheme, which was the subject of extensive consultation. It was also subject to Habitats Regulation Assessment and had a detailed Environmental Statement submitted to support the application. The principle of the development has therefore been established.

This application is in accordance with the indicative layout. It also delivers a number of the key requirements set out in the Section 106 Agreement and outline planning conditions, such as affordable housing and Building for Life.

The scheme provides 20% affordable housing (agreed at the outline application stage) with 62 units being 'pepper potted' across the site. A schedule of the tenure of each of the units is awaited.

Condition 2 of the Outline Application required the scheme to score at least 8 'greens' when scored against Building for Life criteria. The assessment is ongoing and will need to take account of revised drawings. Preliminary findings indicate that a score of 9 'greens' should be

This is a good score and exceeds the minimum threshold in the condition.

Further guidance will be provided to members at committee, once the final assessment has been complete.

### **2. Outstanding matters**

Further guidance will be provided to members regarding the three areas below where further work and negotiations are currently being undertaken.

#### *2.1 Layout 'Green Streets'-*

The current plans show the 2 green streets as shared surfaces which include grass verges and measures to slow traffic. Revised plans are currently being drawn up by the applicant which remove the green verges and replace them with a clearly marked pedestrian route/ refuse area along one edge of the street. This will provide a dedicated safe pedestrian route, clearly showing a central shared use area and a pedestrian area similar to a pavement. This is considered an acceptable solution to this matter. Further information will be provided at committee.

#### **2.2 Landscaping**

A detailed landscaping strategy has been developed for the site which links into

the strategy for the wider site and the planting associated with the on and off site LEMPs.

The landscaping strategy principally consists of formal planting in the front and side gardens of properties, and also the proposed open spaces. This includes boundary hedge planting as well as plant and shrub planting in the front gardens.

There are a large number of trees planted throughout the site which helps set the context of the development. The majority of planting is to be in privately owned areas of the site. It is important to be able to preserve the trees as they play a vital role in the creation of a high quality residential environment (condition to be provided).

The soft landscaping will be complimented by hard landscaping features. This includes a range of high, medium and low rendered walls throughout the estate, importantly in the cul-de-sac/ parking courts, thus limiting the provision of close boarded timber fences.

Officers fully support the approach to landscaping. Further detail is required, given that significant changes to the layout have been made. Revised landscaping plans will be presented to Committee.

### *2.3 Residential Amenity / Proximity of Industrial Units*

The Council wants to protect the amenities of future occupiers of homes within the development. It is also important to secure a design that reduces the likelihood of complaints from future residents about noise from business units to the north of the site. Such complaints could have an impact on those businesses and therefore the local economy.

Therefore, the Council has negotiated an acceptable relationship between uses / homes within the development site and the business units in Torbay Business Park. As a consequence the proposal includes sound attenuation measures along the northern boundary of the site; the use of open space / allotments to provide a buffer between British Falcon Plastics and new homes; deep rear gardens and noise attenuation measures to new homes.

The issue has been complicated by the commissioning of two acoustic reports, from different consultants, which each draw different conclusions. In addition, the applicant's acoustic consultants have produced a further report in response to a critical appraisal by the objector's consultants.

Further advice has been sought from Environmental Health, in order to ensure the situation is resolved. Colleagues in Environmental Health have indicated that, should this latest information deal with the outstanding matters of concern, they consider the application to be acceptable in relation to the issue of noise impact from neighbouring industrial uses.

As such, provided the two proposed homes nearest to Falcon Plastics are substituted with house types that have no habitable rooms to the rear first floor level, the noise attenuation measures are acceptable. Subject to the further views of Environmental Health the scheme will appropriately mitigate noise generated by business units, including British Falcon Plastics, in Torbay Business Park.

There has been one other representation raised by an operator (Blue Sea) in the industrial estate in relation to the odour created by their unit. The unit concerned is approximately 80 meters from the nearest proposed residential units. This distance, combined with the topographical features, prevailing wind direction and vegetative barriers, should ensure there is no odour nuisance to occupiers of residential properties.

### **3. Residential Amenity**

There are 312 new dwellings being provided within the scheme, this comprises;

3 x One bedroom flats, all affordable  
46 x Two bedroom houses, 10 affordable  
114 x Three bedroom houses, 21 affordable  
140 x Four bedroom houses, 27 affordable and  
9 x Two bedroom coach houses 1 affordable

There are a good range of house sizes. Each property, with the exception of the 3 one bedroom flats, has a rear garden or outside amenity space provided. The properties are all well proportioned internally offering a good standard of residential amenity.

The layout of the properties has been carefully considered and ensures limited inter-visibility between the properties. Where properties are in closer proximity to each other the location of windows has been carefully considered and a number of variations to individual house types have been produced to ensure over looking does not occur.

Negotiations on the scheme have resulted in a reduction in the number of parking courts with dwellings in them, improvements to the design, treatment and arrangement of these areas and to the orientation of dwellings. Some parking courts are retained, in three of these areas closest to the central roundabout. These are required to enable buildings to front onto and help enclose the primary vehicle route and roundabout. On balance, considering the wider benefit to the scheme this arrangement is considered acceptable for the dwellings located in these areas.

In conclusion the scheme will provide a good quality of residential amenity for the future occupiers of the dwellings provided in the development.

### *3.1 Residential amenity noise -*

There is a further noise issue in relation to the vehicles using the primary access route between Brixham Road and Long Road. To ensure the amenity of the properties on this route noise attenuation measures will be required to their windows. This will be controlled by condition.

In conclusion, subject to appropriate acoustic features being provided the residential amenity for the future occupiers will not be negatively affected by road noise.

## **4. Appearance**

There are over 20 different house types proposed on site, the majority of which are of a relatively simple design with pitched slate roofs, rendered walls, and coated UPVC windows. In addition to the mostly rendered property types, brick clad properties are pepper potted to add variety and legibility to the development.

The house types are grouped into distinct areas to help create different character areas. There are a number of variations of each property type, providing features such as enhanced detail with windows and/or chimney stacks to properties on corners of roads. This improves the quality of streetscene and also helps provide natural surveillance through overlooking to streets and pedestrian routes.

Significant negotiations have taken place in relation to properties (types K and Q, as well as C, R, S and T) to the principle route and the two green streets, resulting in high quality design of houses in those areas. Nonetheless, to ensure that the material and finishes of the properties deliver on the aspirations for a high quality residential environment, a condition of planning permission will require submission of details of external materials.

In conclusion the appearance of the development, and the dwellings in will include, is considered acceptable and will help create a quality living environment.

## **5. Scale**

The visual impact of development was a key factor in the outline application. This resulted in the location of the residential element within a contained bowl in the landscape, with open amenity space to the east on the ridge. An Off Site LEMP was produced, which includes extensive tree planting along the south of the site to help further screen the development particularly from the Stoke Gabriel and Galampton Areas (South and West). An onsite LEMP has also now been approved which helps provide further landscaping enhancements.

The scale of physical development within the site is considered acceptable and is balanced by landscaping and areas of public open space. The highest properties are limited to a contained central section which helps define the urban form. The

remainder of the site is limited to two storeys and properties are well spaced limiting the perceived mass of the development. The housing is also supported by a range of open spaces and landscaped feature helping it merge in to the rural backdrop.

In conclusion, taking into account the form of the development, its location and the surrounding landscaping proposed, the scale of the development is considered to be acceptable.

## **6. Layout**

### *6.1 Layout; Access and Highways Matters -*

The principle access points to the development are from Long Road and Brixham Road. A new section of road is already in place, enhancing the Waddeton Road and including a roundabout with access spurs in to the development. The layout out of the development has been very much shaped by this approved road layout.

The roundabout and adjoining roads were designed for business park use. Every effort has been made, during the pre-application process (including Design Review Panel comments), to find a way of reducing the scale of the roundabout. A solution has not yet been found, in part because the roundabout and adjoining roads are located outside the application site. However, officers will continue to seek to resolve this issue, working closely with Deeley Freed.

Nonetheless, the layout of the development provides a good response to the site characteristics and shape. The built form surrounding the roundabout is a key part of this and helps add a more residential scale to what is quite a large piece of infrastructure.

The road layout within the scheme is focused on the provision of a number of principle access roads to distinct sections of the development with cul-de-sacs leading off of each route. Consideration has been given to ensure that refuse, waste and emergency vehicles can utilise and turn at the end of routes. With the exception of the two 'green streets' all routes are to be of a traditional design with tarmac roads with pavements on each side. Raised tables are proposed at key junctions to encourage the reduction of speeds at these points. Two additional raised tables are provided on the first road leading from the new Brixham road junction. This is to provide access into the other section of the site (adjacent to the Brixham Road) earmarked for additional residential development.

This layout provides good permeability into the site but breaks vehicle connection between the different areas within the site, reducing movements through the residential cores. It does however allow pedestrian's free movement throughout the estate with dedicated pedestrian routes, where roads are blocked off.

There is an issue relating to the entrance into the scheme from Waddeton Road.

As the site is approached from the south it is narrow with high hedges there is then an abrupt change into the new residential area. The lack of an identifiable 'gateway' to the site is an issue from a highway safety perspective. Road improvement and traffic calming measures are required to help warn drivers of the approach to a residential area. These works will be secured by way of a Section 278 Agreement.

Overall the proposed layout is successful, subject to the improvements to the entrance from Waddeton Road (to be secured via a S278 Agreement) and subject to resolving the outstanding issue about design of the green streets.

### *6.2 Designing out Crime*

Significant revisions to the layout have been negotiated. Changes include securing rear access paths, providing defensible boundaries to properties, new windows on sides of properties to provide overlooking to vulnerable areas, and the reduction of cut-throughs. The scheme is now a much safer form of residential development, which should discourage anti social behaviour and be a safer place to live.

Overall the proposed layout of the development is considered a success which will provide a safe, legible form of development which will create a quality living environment for future residents.

## **7. Parking**

With the exception of a small number of properties all will have a minimum of two car parking spaces provided. There are a number of properties with only one space (8% of the dwellings). This level of provision is in accordance with the requirements of Policy T25 of the Local Plan.

All the dwellings in the scheme are within walking distance of the proposed new local centre, local bus stops and a range of employment/ educational establishments.

The vast majority of parking provided is on plot, which is a key benefit to the scheme. The off plot parking is provided in small cul-de-sacs, 3 of which are securely gated. The provision of dwellings in these cul-de-sacs is considered a benefit as these areas are overlooked. Off-plot parking spaces are provided in close proximity to the dwellings they serve, hence reducing pressure for on street parking.

All of the parking spaces have ample manoeuvrability to enter the highway and have adequate visibility splays to ensure that this can be done safely.

The proposed parking arrangements for the scheme are considered acceptable as part of the overall scheme.

## **8. Waste and recycling and Cycle Storage**

All properties within the scheme are to have dedicated recycling and waste storage areas and also cycle stores provided. This is secured by condition 4 of the outline consent.

## **9. Economy**

This reserved matters application is linked, through the outline consent and the Section 106 agreement, to the provision of new employment in the Western Bowl. Certain phases of the housing delivered on site trigger a requirement to provide employment floor space. 20,00sqft of employment space must be provided before the occupation of any dwelling, a further 15,000sqft must be provided before occupation of 65th dwelling.

It is clear that the approval of this scheme and its implementation, will trigger the provision of significant new employment provision. Two of the industrial units have already been approved and at least one new end user has been secured. This is a key opportunity for the Bay and will help strengthen and develop the wider Torbay Business Park as a quality business location.

In addition, the construction process will provide significant opportunity for local employment as well as the potential for new trade for existing businesses.

### **S106/CIL -**

This is a reserved matters application, and the S106 agreement has been agreed and signed as part of the outline application.

## **Conclusions**

Having considered the layout, appearance, scale, and landscaping of the proposed development against the relevant local and national planning policies. The proposed development is considered acceptable and will provide a high quality residential environment for the future occupiers.

Subject to a satisfactory resolution to the 3 outstanding matters set out below which should be resolved prior to the committee meeting the development is considered acceptable;

1. The relationship between the dwellings on the northern boundary and the Industrial Estate and the potential for noise and nuisance.
2. Layout of the two 'green streets'.
3. Revised Landscaping plans being submitted and agreed.

## **Condition(s)/Reason(s)**

01. The car parking spaces shown on the approved layout shall be made permanently available for the use of the property it is allocated to on the

approved plans.

Reason: to ensure all properties have dedicated parking facilities and in accordance with Policy T25 of the Saved Adopted Torbay Local Plan 1995-2011.

02. The dwellings hereby approved shall be laid out in accordance with the house typology schedule layout plan and the schedules provided for each house type on the house type plans, hereby approved.

Reason: To ensure a satisfactory form of development and preserve residential amenity and in accordance with Policies BES, BE1 and H9 of the Saved Adopted Local Plan 1995-2011.

03. Prior to the first occupation of dwellings 1 - 6 as show on the approved plan 13009 Roof Master Plan, details of the acoustic fence also shown on this plan shall be submitted to and approved by the Local Planning Authority. This shall include details of its size, siting, design, appearance (including colour) and a suitable landscaping strategy to mitigate its visual impact. The fence and landscaping shall be installed prior to the first occupation of these dwellings and shall be permanently maintained thereafter.

Reason: To ensure that suitable mitigation measures have been provided to protect the residential amenity of the residential properties and to ensure a appropriate appearance of these measures, and in accordance with Policies BES, BE1, H9, EPS, EP4 of the Saved Adopted Torbay Local Plan 1995-2011.

04. Prior to the occupation of properties 52-60, 113 -116, 203-227 and 300-314 as shown on the approved plans the properties shall be fitted with standard thermal double glazing (operable) with Dn,e,w 39 dB Acoustic trickle vents to all windows on the front and sides of the buildings which serve day time habitable rooms.

Reason: To ensure a satisfactory standard of residential amenity for the occupiers of these properties and in accordance with Policies EPS and EP4 of the Saved Adopted Torbay Local Plan 1995-2011.

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

Reason: In the interests of the amenities of the area and in accordance with

Policies HS, H9, LS, L9 of the Saved Adopted Torbay Local Plan 1995-2011.

06. All trees planted as part of the development shall be permanently retained following their planting, including any replacement planting required by condition 5. Reason: In the interests of the amenities of the area and in accordance with Policies HS, H9, LS, L9 of the Saved Adopted Torbay Local Plan 1995-2011.

07. Prior to commencement of the scheme a plan showing the boundaries of all dwellings shall be submitted to and approved by the Local Planning Authority. The development shall then be set out in accordance with this plan.

Reason: To ensure a satisfactory form of development and so that all dwellings have a satisfactory amenity space and in accordance with the requirements of BES, BE1, HS, H9 and T25 of the Saved Adopted Torbay Local Plan, 1995-2011.

08. Prior to the commencement of development a Section 278 Highways Agreement shall be entered in to, in order to secure the necessary works to the public highway. The 278 works shall include work to Waddeton Road to form a defined entrance to the site including road calming measures. This shall include detail of materials and finishes to be used. The works shall then be implemented prior to the occupation of the first dwelling.

Reason: In order to ensure a suitable form of development in accordance with Policies TS, T1, T2, T3, T18, T22 and T26 of the Saved Adopted Torbay Local Plan 1995-2011.

09. Prior to the commencement of development details of all proposed pavements, roads and shared surfaces, shall be submitted to and approved by the Local Planning Authority. This shall include details of all materials, finishes and layouts of road calming measures. The development shall then be constructed in accordance with these details.

Reason: In order to ensure a suitable form of development in accordance with Policies Bes, BE1, HS, H9, TS, T1, T2, T3, T18, T22 and T26 of the Saved Adopted Torbay Local Plan 1995-2011.

10. The development hereby approved shall not be commenced until details of colour, type and texture of all external materials, to be used in the construction of the proposed development have been submitted to and approved by the Local Planning Authority.

Reason: To ensure a satisfactory form of development and in accordance with the requirements of policies HS, H1, H9, BES, BE1 and H( of the Saved Adopted Torbay Local Plan 1995-2011.

## **Relevant Policies**

|       |  |
|-------|--|
| EP4   | Noise                                      |
| BES   | Built environment strategy                 |
| BE1   | Design of new development                  |
| BE2   | Landscaping and design                     |
| ES    | Employment and local economy strategy      |
| E1    | New employment on identified sites         |
| E119D | Long Road South, Paignton (New Policy)     |
| TS    | Land use transportation strategy           |
| T2    | Transport hierarchy                        |
| T1    | Development accessibility                  |
| T3    | Cycling                                    |
| T18   | Major Road Network                         |
| T22   | Western Corridor                           |
| T26   | Access from development onto the highway   |
| T25   | Car parking in new development             |
| NCS   | Nature conservation strategy               |
| NC1   | Protected sites - internationally import   |
| NC5   | Protected species                          |
| LS    | Landscape strategy                         |
| L2    | Areas of Great Landscape Value             |
| L4    | Countryside Zones                          |
| L8    | Protection of hedgerows, woodlands         |
| L9    | Planting and retention of trees            |
| L10   | Major development and landscaping          |
| EPS   | Environmental protection strategy          |
| EP1   | Energy efficient design                    |
| EP3   | Control of pollution                       |
| EP7   | Contaminated land                          |
| CFS   | Sustainable communities strategy           |
| CF6   | Community infrastructure contributions     |
| CF7   | Educational contributions                  |
| HS    | Housing Strategy                           |
| H2    | New housing on unidentified sites          |
| H6    | Affordable housing on unidentified sites   |
| H9    | Layout, and design and community aspects   |
| H10   | Housing densities                          |
| H11   | Open space requirements for new housing    |
| T27   | Servicing                                  |
| W7    | Development and waste recycling facilities |
| NPPF  | National Planning Policy Framework         |



**Application Number**

P/2013/1311

**Site Address**

Woodlands  
Little Preston Road  
Brixham Road  
Paignton  
Devon  
TQ4 7BA

**Case Officer**

Mr Alexis Moran

**Ward**

Blatchcombe

**Description**

Detached bungalow with garage (Re-Submission of P/2013/0995 - amended scheme)

**Executive Summary/Key Outcomes**

The proposal site is the rear garden of Woodlands, which is located at the end of a private cul-de-sac (Little Preston Road) off of the main Brixham Road (A3022) in Paignton. Adjacent to the site is the existing Sainsbury's superstore on Brixham Road.

The application seeks permission for the addition of a bungalow on the site.

The Local Plan allocation of the land is for employment (E1.16c) and as such the addition of a residential unit here is contrary to the policy designation.

However, it is unlikely that this portion of the employment allocation would come forward as employment land. The site area is also limited and is clearly in a residential section of this land allocation. The proposed dwelling appears to be in scale with, and designed in relation to, its surroundings. Given these and other material considerations set out within this report, the dwelling is acceptable in planning terms.

**Recommendation**

Conditional Approval; subject to signing of s106 agreement within 3 months of the date of this committee and subject to detailed information on the proposed septic tank and surface water drainage prior to the consent being issued.

**Site Details**

The proposal site relates to the rear garden of Woodlands which is located at the end of a private cul-de-sac (Little Preston Road) off of the main Brixham Road (A3022) in Paignton. Adjacent to the site is the existing Sainsbury's superstore on Brixham Road.

The application site is within a wider employment land allocation (E1.16c) within the Saved Adopted Torbay Local Plan (1995-2011) and as such, the proposed development for a residential property is a departure from the Local Plan.

### **Detailed Proposals**

The application seeks permission for the addition of a bungalow with rooms in the roof via two dormers. The proposed new dwelling is to be sited at the end of the garden with a turning area and garage proposed.

The new property will be accessed by the existing vehicle entrance to Little Preston with the addition of timber gates leading to a new permeable driveway with a turning area.

The garden boundary of the property will be enclosed by the addition of a 1.8 metre high timber boundary fence. The existing site boundary is shielded by fence and hedge.

### **Summary Of Consultation Responses**

*Highways Officer* Due to a turning area being provided along with satisfactory parking levels, highways raise no objection.

Highways recommend applying the SPD as a contribution towards the Western Corridor improvements that run directly past the site.

*Drainage Engineer:* The drainage engineer has advised that prior to the granting of planning permission the applicant must supply details showing the design of the septic tank together with details of infiltration tests in the areas proposed for soakaways. The applicant should also supply details of the design of the soakaways which should comply with the requirements of Building Establishment Digest 365.

### **Summary Of Representations**

None.

### **Relevant Planning History**

|              |   |
|--------------|---|
| P/2011/1300  | Little Preston, Brixham Road, Paignton - Formation of bungalow (This is a Departure from the Local Plan) - Approved by DMC 26.01.2012   |
| ZP/2010/0514 | Dwelling; positive officer response to the potential for a new dwelling on the site 02.12.2010  |
| P/2010/0289  | Mixed use development to form approx 220 dwellings, approx 5,600 SQM gross of employment (B1) floorspace, local centre and public open space with roads and car parking (In Outline)- approved by Development Management Committee 30.04.2010 |

### **Key Issues/Material Considerations**

The key issues to consider in relation to this application are the principle of a dwelling in this location, impact it would have on the character and appearance of the streetscene and the amenity and privacy enjoyed by the occupiers of neighbouring properties.

### **Principle of a dwelling in this location**

Although the area in which the site is located is allocated as employment land it is clear that this specific area is currently residential. Bearing this in mind and the approval of a mixed use development of residential and employment on the adjacent land (P/2010/0289) it is considered that the principle of an additional residential unit here is acceptable. It is unlikely that the land would come forward for employment given the dwellings on the land and the proposed use is more compatible with the existing dwellings.

### **Impact on the streetscene**

The proposed dwelling will not be highly visible in the surrounding area due to its size and siting and will sit well in the plot. It is therefore considered that the addition of a dwelling here would be an acceptable addition to the streetscene.

### **Impact on surrounding residential amenity**

There is a valid planning permission for the addition of a bungalow in the grounds of the property to the rear known as "Little Preston" (P/2011/1300). However revised plans show the proposed dwelling, which is the subject of this application, as having high level rooflights on the elevation facing the grounds of "Little Preston" and therefore it is deemed that the dwelling would have an acceptable impact on the privacy and amenity of neighbouring properties.

### **Highways**

The proposal will utilise the existing access off of Brixham Road that serves the existing dwellinghouse. A turning area is to be provided on site along with satisfactory parking levels (2+ spaces). There are no objections to the proposal from highways.

### **Drainage**

The proposal will require a septic tank for foul water, the design of this will need to be approved prior to the consent being issued in order to ensure the site can provide adequate foul water drainage. The surface water drainage is proposed to go to soakaways, again in order to ensure that the development can go ahead in the proposed form details of the soakaways will be required prior to the consent being issued.

### **S106/CIL**

The application has been assessed against the Council's policy in respect of planning contributions. A contribution will be required in this case, calculated as follows:

On the basis that the new accommodation will comprise of a residential unit with over 120sq metres of gross internal floor area:

#### **Planning Contributions Summary Contribution Early Payment**

|   |           |           |
|---|-----------|-----------|
| Waste Management (Site Acceptability)           | £ 50.00   | £ 47.50   |
| Sustainable Transport (Sustainable Development) | £3,367.50 | £3,199.13 |

|   |                  |                  |
|---|------------------|------------------|
| Stronger Communities (Sustainable Development)    | £ 0.00           | £ 0.00           |
| Education (Sustainable Development)               | £1,417.50        | £1,346.63        |
| Lifelong Learning (Sustainable Development)       | £ 227.50         | £ 216.13         |
| Greenspace & Recreation (Sustainable Development) | £2,127.50        | £2,021.13        |
| South Devon Link Road                             | £ 970.00         | £ 921.50         |
| <b>Total</b>                                      | <b>£8,160.00</b> | <b>£7,752.00</b> |
| Administration charge (5%)                        | £ 408.00         | £ 387.60         |
| <b>Total with Admin Charge</b>                    | <b>£8,568.00</b> | <b>£8,139.60</b> |

### **Conclusions**

The proposed building is considered to be appropriate for conditional planning approval, having regard to all national and local planning policies and all other relevant material considerations. Subject to the submission of a planning contribution as outlined above and the submission of septic tank and drainage details.

### **Condition(s)/Reason(s)**

01. The development shall not be used/occupied until the vehicle parking areas and turning area shown on approved detailed plans have been provided and made available for use. The areas shall be kept permanently available for parking / turning purposes to serve the development.

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

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

Reason: In the interests of highway safety and in accordance with policy T25 of the saved adopted Torbay Local Plan 1995-2011

### **Relevant Policies**

- BES Built environment strategy
- BE1 Design of new development
- H9 Layout, and design and community aspects
- T25 Car parking in new development
- T26 Access from development onto the highway
- BE2 Landscaping and design
- CF6 Community infrastructure contributions
- CF7 Educational contributions

**Application Number**

P/2012/0567

**Site Address**

Rock House  
Rockhouse Lane  
Torquay  
Devon  
TQ1 4SX

**Case Officer**

Mrs Ruth Robinson

**Ward**

St Marychurch

**Description**

Construction of new dwelling in kitchen garden to South of Rock House and conversion and extension of existing stable block into dwelling house to North of Rock House including provision of independent access from road to the East

**Executive Summary/Key Outcomes**

This application involves the construction of 2 dwellings within the grounds of Rock House; a grade II listed building on Rock House Lane Maidencombe. The main house is in a state of disrepair and in urgent need of investment to repair the roof and halt further deterioration of the fabric of the building.

Rock House is located in a 'countryside zone' where 'sporadic' residential development is ordinarily resisted. Paragraph 55 of the NPPF does allow exceptions to exclusions to rural housing if development acts in a way to secure the future of heritage assets. In addition, the dwellings are to replace existing disused buildings within the grounds in order to minimise the impact of the new development.

The development is, now that a vehicular access across open fields and woodland has been deleted, acceptable in terms of its design and impact on the character of the listed building and wider protected landscape.

For this reason it is considered that the application should be supported subject to the receipt of additional information in respect of the impact on a specific tree, surface water drainage, conditions as detailed below and the conclusion of a

S106 agreement to secure implementation of an agreed schedule of works for essential repairs to the roof and associated remedial works to restore and retain the Listed building.

### **Recommendation**

Committee Site Visit; Conditional Approval (schedule of suggested conditions at end of report); Subject to the additional information in relation to trees, drainage and sewerage treatment, subject to the signing of a S106 agreement to secure investment in Rock House, specifically scheduled works to roof and associated damage to the Grade II listed building. The legal agreement is to be completed and signed within 3 months of the date of this committee meeting.

### **Statutory Determination Period**

8 weeks expiring on the 7th July. The delay in determination arises from awaiting revised plans deleting vehicular access to stable building.

### **Site Details**

Rock House is a Grade II listed building set in extensive grounds in a countryside location on the edge of Maidencombe village. The Listed building is in a dilapidated state with substantial sums required to be spent on roof repairs to weatherproof the structure in order to prevent further deterioration. There is a range of ancillary outbuildings within the grounds including stables, greenhouses, with cottages and garaging.

Rock House is within the defined Countryside Zone, and prominent within the Coastal Preservation Area and Area of Landscape Value. The cumulative impact of these polices is to resist sporadic residential development and to protect the landscape character of the area. There are also a range of protected trees on the site.

Rock House currently has 2 points of vehicular access, one via the main gated access and the second via a secondary access adjacent to the stable/garage building. Rock House Lane is a narrow and steep route with limited passing places.

In summary, the scheme involves the redevelopment of an existing stable building and a greenhouse within the walled garden to provide 2 new dwellings on the site, with the profits being secured through a S106 agreement and invested in essential repair works to the roof of Rock House.

### **Detailed Proposals**

The application is for the construction of 2 new dwellings within the grounds, one within the walled garden in the place of the existing glasshouse and the second to replace the existing stable/garage building.

The former involves the creation of a vehicular access via the main access to the site and the latter previously involved the creation of a new vehicular access across fields to the north of the site. This has now been deleted and the existing access from Rock House Lane is to be utilised instead.

### **Summary Of Consultation Responses**

*Conservation officer:* Satisfied that the proposed dwellings are acceptable from a design perspective and are needed as enabling development to secure the future of the listed building.

*Arboriculturalist:* Had concerns about the impact on mature trees of the now deleted vehicular access to serve the stable/garage building. Requires additional information about the impact of the dwelling within the walled garden on a large Lime Tree. Broad support is given for the proposals if certain safeguards can be achieved.

*Highways:* Require improvements to visibility and safety due to the increase in usage of the access road. Amended comments are awaited following deletion of the private drive which was of some concern in terms of visibility.

*Drainage:* Requires additional detail in respect of the means of disposing of surface water and the design of the private treatment plant designed to dispose of foul sewage.

*English Heritage:* Consider the matter should be determined in line with local policies.

### **Summary Of Representations**

There have been a number of objections to the scheme. The main areas of concern are as follows:

1. The access is unsuitable being narrow and steep.
2. It will adversely affect the setting of Rock House/Foxcombe Valley.
3. It will not meet local housing needs.
4. It will clutter site and set unfortunate precedent.
5. The use of an enabling development argument is inappropriate in this instance and could encourage other similar applications.

6. It will impact on wildlife.
7. Concerns about possible location of sewerage treatment plant in woodland area.
8. Impact on trees particularly from the proposed access to the stable dwelling.
9. Concern that scale of walled garden dwelling is out of character.
10. Flood risk arising from drive access and loss of trees.
11. Need to comply with EH criteria regarding enabling development.
12. Impact on views from/ viability of Orestone Manor Hotel.

The Maidencombe Residents Association and the Ashley Priors Amenity Association object to the application for reasons summarised above.

These representations have been reproduced and sent electronically for Members consideration.

### **Relevant Planning History**

Pre application discussions have taken place over several years in an attempt to identify an appropriate form of development that would secure the fabric of the listed building without harm to interests of acknowledged importance.

### **Key Issues/Material Considerations**

There are a number of key issues. For the purposes of the report, these can be usefully summarised as below.

#### **1. Appropriateness of 'Enabling Development' concept**

The construction of new dwellings in this location would not ordinarily be acceptable due to the policy designation as 'Countryside Zone' in the adopted Local Plan. However, the NPPF, in considering the impact of rural housing, does allow for special circumstances where such development may be acceptable and this includes opportunities for 'enabling development' to secure the future of heritage assets.

Rock House is in a dilapidated state and the roof is in urgent need of repairs. It is unlikely that the current owner will be able to fund these works and the building is deteriorating. Whilst not strictly complying with EH criteria for enabling development, as the property has a value which could be realised if sold, the opportunities for low key well designed discrete development that would have minimal impact on the area, yet deliver the return to the owner to allow her to remain in her home have been explored. This exercise focused on 2 locations

where development could be accommodated with limited impact on the setting of the listed building, on the character of the wider valley and on neighbours. If it can be shown that proposed dwellings are of an exemplary design and do not adversely affect the character of this sensitive location, then it is considered that the development could qualify as an exception to the normal presumption against residential development in rural areas. This is because it will secure the future of this heritage asset through a S106 agreement which will ensure that any profit is ploughed back into the listed building.

Costings and a schedule of works have been supplied to show that this level of development can meet the refurbishment needs of the listed building and grounds.

## **2. Highway issues**

The most damaging aspect of the proposal, the inclusion of a wholly separate drive to serve the proposed stable building has now been deleted in preference to the use of the existing access point adjacent to this building. The new route would have cut across open fields and woodland, would have exacerbated the visual impact of the scheme on the landscape character of the area through loss of trees and exposure of the tarmac finish to a wider view, it would have increased flood risk and impact on wildlife and biodiversity and would have made vehicular access problems more acute. Reversion to use of the existing vehicular access was widely suggested in letters from neighbours to the site.

## **3. Quality of design/relationship to setting of Rock House and wider Foxcombe Valley**

The 2 sites were selected because of the ability to be sympathetically accommodated within the overall character of the site and the ability to replace existing built structures so as to minimise the additional built form in the landscape.

The stable/garage building is an existing structure which is not of any particular merit and is in a poor state of repair. Its conversion and extension to provide a well designed home on a similar footprint and to a similar scale and form arguably improves upon the existing situation. The design is well thought out and sits comfortably in its context using a palette of timber, render and stone.

The walled garden site is removed from the immediate setting of the listed building and involves replacement of a redundant and derelict green house which is set within a walled garden with a building of a similar design to the one described above. It is single storey and hugs the existing wall in a similar fashion to the existing greenhouse. It is well screened from views across the valley due to the position of the walls and the low level nature of the proposed dwelling.

The materials to be used, timber and stone help 'ground' the scheme into the overall character of the garden. Whilst it is close to the northernmost boundary of Orestone Manor Hotel, it is not considered that the impact of the proposed dwelling will be damaging to the future viability of the hotel as suggested in the letter of objection from the hotel owner.

The Arboriculturalist still requires some additional information to be supplied in relation to the impact on a large Lime Tree and this will need to be supplied before a decision can be issued.

#### **4. Impact on trees/wildlife**

With development confined to the existing stable building and the walled garden, the implications in respect of trees and wildlife is much reduced and is largely confined to the Lime Tree adjacent to the walled garden which should be resolved in line with the Arboriculturalists requirements.

#### **5. Floodrisk**

The deletion of the private drive reduces the concerns about surface water and flood risk, as trees are retained and impermeable materials reduced. It is likely that with an appropriate drainage strategy the development will not materially increase floodrisk in the area.

#### **6. Sewerage treatment/ drainage**

These details are also required in advance of permission being issued to ensure appropriate sustainable drainage methods are used where possible. It is also important to know that trees won't be affected by their construction.

#### **7. S106/CIL**

A S106 agreement will be required to ensure that the schedule of works agreed as being necessary to secure the fabric of the building are carried out in accordance with an agreed timetable.

#### **Conclusions**

Whilst ordinarily contrary to policy, the inclusion of 2 additional dwellings is now acceptable following deletion of the private drive across the adjacent fields.

This is because the profit from the development will be invested in securing the future of this dilapidated listed building through a S106 agreement requiring an agreed schedule of works to be carried out. The buildings are also discrete, well designed and do not affect the visual amenity of the area, the setting of the listed building, or the landscape character of Foxcombe Valley.

Additional information is required in relation to the tree works in the walled garden to demonstrate that the large Lime Tree is unaffected by the proposed

development, and in respect of surface water drainage and details of the private sewer plant and its location.

**Recommendation**

Committee Site Visit; Conditional Approval; Subject to the additional information in relation to trees, drainage and sewerage treatment, subject to the signing of a S106 agreement to secure investment in Rock House, specifically scheduled works to roof and associated damage to the Grade II listed building. The legal agreement is to be completed and signed within 3 months of the date of this committee meeting.

Suggested conditions briefly itemised below:

1. 1:5 and 1:20 details of each elevation/key features.
2. Samples of materials/sample panel of stone.
3. Any outstanding tree information.
4. Implementation of drainage strategy
5. Detailed hard and soft landscape proposals.
6. Details of all fencing/boundary changes/gates.

**Relevant Policies**

-

# Agenda Item 12

## Application Number

P/2013/1308

## Site Address

Land At Plym Close  
Torquay

## Case Officer

Mr Robert Pierce

## Ward

Shiphay With The Willows

## Description

Outline consent -dwelling house and associated parking (access only)

## Executive Summary/Key Outcomes

The application is for outline consent for the construction of a detached dwelling. Access is to be considered as part of this application but the remaining matters of appearance, landscaping, layout and scale are to be addressed at reserved matters stage.

The application has been submitted as the result of Pre Application discussions when it was agreed that the principle of residential use on the site would be in keeping with the character of the surrounding area which is a mix of detached, semi-detached and terraced properties.

## Recommendation

Subject to completion of a S106 legal agreement, outline planning permission be granted with conditions as set out at the end of the report.

## Statutory Determination Period

The eight week target date for the application is 01.02.2014. The timescale for signing the S106 agreement which in this case will be on the sale of the site (as it is in the Council's ownership) will determine when the decision is issued. This will exceed the target date.

## Site Details

The application site comprises an area of sloping grassed open space at the corner of No 24 Severn Road and No 4 Pym Close. The land does not appear to have any defined use and there are no significant plants, trees or bushes.

## Detailed Proposals

The application is submitted in outline with all matters reserved apart from access for construction of a detached dwelling with parking.

## Summary Of Consultation Responses

*Highways:* Supports Application. SPD contribution is applicable for the enhancement of cycle routes in the area.

*Drainage:* No objections but as part of the detailed application a design for the on site attenuation of surface water drainage should be included.

### **Summary Of Representations**

None

### **Relevant Planning History**

Pre Application Discussion - Principle of residential considered acceptable

### **Key Issues/Material Considerations**

The main issues are the principle of residential development in this location, highways and the impact of the proposal on the amenity of adjoining occupiers.

As the application is in outline with appearance, layout, landscaping and scale to be considered at reserved matters stage, the form of development does not need to be addressed at this time. It is the principle of the development on the site that should be considered under this application.

### **Principle and Planning Policy -**

The principle of constructing a dwelling on the site would be consistent with Policies H2, H9 and H10 in the Torbay Local Plan 1995-2011. The predominant existing use of the immediate area is residential and it would be appropriate for this site to be used for a new dwelling and would be fairly consistent with the existing form of development and would not harm the character of the area.

It is considered that constructing a dwelling on the site would make effective use of the land and this would be an appropriate size of development on the site.

### **Accessibility -**

The application site is in a sustainable location reasonably close to the town centre and also within walking distance of local shops and schools. The feasibility plan demonstrates that two off street car parking spaces could be provided. It would also be necessary for secure cycle parking to be provided on site. The indicative drawing also shows the potential to improve highway safety with the provision of a footpath along the Pym Close frontage to the site.

### **Amenity -**

In relation to amenity, the relationship with the closest neighbours to the north (24 Severn Road) to the east (4 Pym Close) is considered to be acceptable. The indicative drawings confirm that windows on the north elevation can be kept to the minimum size and obscured in order to keep any overlooking to a minimum.

### **S106/CIL -**

Section 106 contributions in accordance with the SPD "Planning Contributions and Affordable Housing: Priorities and Delivery would be required for the

following;

|                           |          |
|---------------------------|----------|
| Sustainable Transport     | £3285.00 |
| Waste Management          | £ 50.00  |
| Lifelong Learning         | £ 145.00 |
| Greenspace and Recreation | £2045.00 |
| South Devon Link Road     | £1300.00 |

**Total Payment** **£6825.00 or early payment of £6484**

These contributions are based on the indicative the size of the dwelling being 134 sq metres.

### **Conclusions**

The proposed dwelling is considered to be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations.

### **Condition(s)/Reason(s)**

01. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To ensure a satisfactory form of development and in accordance with policies BES, BE1, H2 and H9 of the saved adopted Torbay Local Plan 1995-2011.

02. The development shall not be occupied until the vehicle and cycle parking areas shown on the details to be submitted and approved under Condition 1 above have been provided and made available for use. The areas shall be kept permanently available for parking purposes to serve the development.

Reason: To ensure that adequate off-street parking is provided in accordance with policy T25 of the Saved Adopted 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 plan indicating the positions, design materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced or before the building occupied. Development shall be carried out in accordance with the approved treatment.

Reason; In the interests of the amenity of the area in accordance with Policy BE1

of the Torbay Local Plan 1995-2011.

04. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the detailed design for the on-site attenuation of surface water drainage. This shall be completed in accordance with such approved details before the dwelling is occupied.

Reason; In the interests of minimising the risk of flooding in accordance with Policy EP11 of the Saved Adopted Torbay Local Plan 1995-2011.

05. The development hereby approved shall be constructed in accordance with detailed drawings, which shall previously have been submitted to and approved by the Local Planning Authority, showing the datum level at which it is to be constructed in relation to an agreed fixed point or O.S. datum.

Reason: To ensure a satisfactory completion of development in accordance with policies BE1 and H9 of the saved adopted Torbay Local Plan 1995-2011.

06. No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the buildings hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Samples of the materials shall be made available on site for inspection as necessary. 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.

07. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:(a) The parking of vehicles of site operatives and visitors.(b) Loading and unloading of plant and materials.(c) Storage of plant and materials used in constructing the development.(d) Measures to control the emission of dust and dirt during construction.(e) A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason; In the interests of the amenity of the area, in accordance with Policy H9 of the Torbay Local Plan 1995-2011.

08. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development. whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 years from the

completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason; In the interests of the amenities of the area, and to accord with policies H10, L10, BE1 and BE3 of the Torbay Local plan (1995 - 2011).

**Relevant Policies**

- BES Built environment strategy
- BE1 Design of new development
- HS Housing Strategy
- H2 New housing on unidentified sites
- H9 Layout, and design and community aspects
- EP11 Flood control
- L10 Major Development and landscaping
- NPPF National Planning Policy Framework

**Application Number**

P/2013/1326

**Site Address**

Land Rear Of 16-20 Alpine Road  
(inc. Adj. Garage Block)  
Torquay  
Devon  
TQ1 1RE

**Case Officer**

Mr Alexis Moran

**Ward**

Wellswood

**Description**

Demolition of garage block, redevelopment with 3 no. houses and associated car parking

**Executive Summary/Key Outcomes**

The application is for outline consent for the construction of a terrace of three dwellings. Access is to be considered as part of this application but the remaining matters of appearance, landscaping, layout and scale are to be addressed at reserved matters stage.

The principle of residential use on the site would be in keeping with the character of the surrounding area which is predominately of terraced properties.

**Recommendation**

Subject to completion of a S106 legal agreement, outline planning permission be granted with conditions as set out at the end of the report.

**Statutory Determination Period**

The eight week target date for the application is 07.02.2014. The timescale for signing the S106 agreement which in this case will be on the sale of the site (as it is in the Council's ownership) will determine when the decision is issued.

**Site Details**

The application site is located on an area to the rear of 16-20, Alpine Road, Torquay, where there are presently 6 prefabricated garages and 5 parking spaces.

**Detailed Proposals**

The application is submitted in outline with all matters reserved apart from access for construction of three terraced dwellings with parking.

**Summary Of Consultation Responses**

*Highways* no objection

*Drainage* consultation response awaited

### **Summary Of Representations**

One letter of representation has been received which relates to the loss of the current parking area.

This representation has been reproduced and sent electronically for Members consideration.

### **Relevant Planning History**

None

### **Key Issues/Material Considerations**

The main issues are the principle of residential development in this location, highways and the impact of the proposal on the amenity of adjoining occupiers.

As the application is in outline with appearance, layout and scale to be considered at reserved matters stage the form of development does not need to be addressed at this time. It is the principle of the development on the site that should be considered under this application.

The principle of a pair of a new terrace of three properties in this location is considered to be acceptable given that the immediate area is made up of terraced properties.

With regards to amenity, the relationship with the closest neighbouring terrace is tight being some 7 metres away. This however is not uncommon in the area although in general there are greater distances between properties. The proposed dwellings will have their main aspect to the rear and the existing neighbouring terrace has their main aspect to the front and this is backed up by the respective levels of fenestration.

Bearing these points in mind the impact on the privacy and amenity of these properties is considered to be acceptable. The addition of the terrace including the windows to the rear increase natural surveillance over the footpath.

### **S106/CIL -**

Section 106 contributions in accordance with the SPD "Planning Contributions and Affordable Housing: Priorities and Delivery would be required for the following;

Sustainable Transport  
Waste Management  
Education  
Lifelong Learning  
Greenspace and Recreation  
South Devon Link Road

The actual level of contributions would be dependent on the size of the dwellings.

### **Conclusions**

The proposed terrace of dwellings is considered to be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations.

### **Condition(s)/Reason(s)**

01. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To ensure a satisfactory form of development and in accordance with policies BES, BE1, H2 and H9 of the saved adopted Torbay Local Plan 1995-2011.

02. The development shall not be occupied until the vehicle and cycle parking areas shown on the details to be submitted and approved under Condition 1 above have been provided and made available for use. The areas shall be kept permanently available for parking purposes to serve the development.

Reason: To ensure that adequate off-street parking is provided in accordance with policy T25 of the Saved Adopted 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 plan indicating the positions, design materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced or before the building occupied. Development shall be carried out in accordance with the approved treatment.

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

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

any variation.

Reason; In the interests of the amenities of the area, and to accord with policies H10, L10, BE1 and BE3 of the Torbay Local plan (1995 - 2011).

05. The development hereby approved shall be constructed in accordance with detailed drawings, which shall previously have been submitted to and approved by the Local Planning Authority, showing the datum level at which it is to be constructed in relation to an agreed fixed point or O.S. datum.

Reason: To ensure a satisfactory completion of development in accordance with policies BE1 and H9 of the saved adopted Torbay Local Plan 1995-2011.

### **Relevant Policies**

- BES Built environment strategy
- BE1 Design of new development
- BE2 Landscaping and design
- H9 Layout, and design and community aspects
- T25 Car parking in new development
- T26 Access from development onto the highway
- CF6 Community infrastructure contributions
- CF7 Educational contributions

**Application Number**

P/2013/1357

**Site Address**

The Lookout  
8 Whidborne Close  
Torquay  
Devon  
TQ1 2PF

**Case Officer**

Mr Scott Jones

**Ward**

Wellswood

**Description**

Extension to form living accommodation

**Executive Summary/Key Outcomes**

The proposal seeks extension and modification to the rear of a mid-20th century bungalow to provide additional living space.

The proposal is considered to have a limited impact upon the character or appearance of the property or wider area. This is due to the scale of development and its relatively secluded location.

The proposal is considered to have a limited impact on the living conditions of neighbouring occupiers due to the distance between properties and the current context, including an existing roof top terrace.

The scheme is in accordance with the aims and objectives of relevant Local Plan Policy and is therefore recommended for approval.

**Recommendation**

Approval; Subject to conditions (see end of report)

**Statutory Determination Period**

The 8 week determination date for this application is the 14th February 2014.

**Site Details**

Modern (Circa 1960s) extended bungalow on the southern side of Whidborne Close set between similarly aged and scaled single-storey properties. The property is set on a sloping plot that drops away to the rear and the building offers panoramic views over the roof tops of properties set to the South off Thatcher Avenue towards the coast. There are no built or landscape designations over the land.

### **Detailed Proposals**

Modification to an existing rear wing in combination with internal layout and floor level changes to provide additional living accommodation. Externally (over the existing footprint) the side wall height established by the existing flat roof is to be raised by 0.8 metres and a shallow pitched gable is to be formed that rises a further 1.8 metres. This ultimately offers an apex ridge that sits approximately 1 metre above the existing ridge line. The main extent of glazing is offered to the rear, which includes the provision of a suspended balcony 4 metres wide with a 1 metre projection.

In regard to changes to the present layout the modification to the height and form removes the large rooftop balcony and introduces sufficient internal height to lower the present ground floor level of the wing and offer habitable space over two floors.

In regard to materials the proposal includes rendered walls coloured to match the existing, tiles to match the main roof, white Upvc and powder coated windows and doors, and a frameless glass balustrade.

### **Summary Of Consultation Responses**

None.

### **Summary Of Representations**

A number of representations have been received to date, these raise the following points (the consultation period expires on the 30th of January and any further representations received will be copied for the members before the committee meeting):

Issues raised in representations received to date:

- The East facing window will impact amenity unless obscured
- Impact upon character
- Precedent for 2-storey developments
- Roofline higher than the existing, will set a harmful precedent
- Impact upon outlook for properties on the opposite side of the road
- Not enough parking for the enlarged dwelling
- Overlooking impact upon properties to the South (Thatcher Avenue)
- Similar proposal refused by the Planning Authority (1989)

These representations have been reproduced and sent electronically for Members consideration.

### **Relevant Planning History**

P/2011/1195      Variation of condition 2 to application P/2010/0800/HA - use of garage as habitable accommodation used in conjunction with the main dwelling; the use of the remaining part of the

garage hereby approved shall at all times be used for the garaging of private motor vehicles - Approved - 12/12/2011

- P/2010/0800 Alterations and formation of single storey extension to provide additional living accommodation - Approved - 08/10/2010
- P/1991/1110 Alteration And Extensions To Form Additional Accommodation And New Garage (As Revised By Plans Dated 30Th August, 1991) - Approved - 08/10/1991
- P/1989/1292 Ground And First Floor Extensions To Form Additional Accommodation - Refused - 12/09/1989
- P/1989/0534 Ground And First Floor Extensions To Form Additional Accommodation And Garage - 22/05/1989

#### **Key Issues/Material Considerations**

The key issues and material considerations are considered to relate to:

1. Visual impact of the proposal
2. The impact upon neighbour amenity

As they have been raised in representations matters of highway impact and planning history for the site will also be covered.

#### **Visual impact:**

Generally the replacement of an expanse of flat roof with a pitched roof that is finished in materials to match main roof of a property is welcomed. It is then a question of the planning merit of the scale and form of the proposal in its context.

The proposal is set to the rear of the property off the central ridge of the main gable. The alteration is considered to be in a relatively non-sensitive location in terms of potential visual impact, both upon the property or the streetscene. It is considered acceptable for the following reasons.

The additional bulk that results from raising the side walls by approximately 0.8 metres is considered to be relatively minimal in terms of its visual impact. This is because it will be largely obscured from public view by the existing roof of the property and also the adjacent properties.

It is accepted that the new roof element of the proposal will be visible above the main ridgeline as you pass through the street. However, it is to the rear of the property and will be substantially obscured from view by the property and adjacent properties. The proposal maintains the bungalow character to the street and the extension will have a limited impact on the streetscene given the multi-

sloped form of the existing roof. As such the visual impact is acceptable in this case.

As a point of note the proposal removes a rooftop terrace and replaces it with a more discreet balcony, which is a more characteristic form of outdoor space in this area.

**Impact upon neighbour amenity:**

Impact upon amenity is considered to each side and to the rear of the development.

To the East the proposal increases the bulk of building and an upper floor side window is proposed. It does however remove the prominent rooftop terrace, which has a significant amenity impact upon the occupiers of Number 10. The proposed window serves an en-suite bathroom and as such overlooking can be negated by conditioning that the window is obscure glazed. The additional bulk will result in some additional overshadowing of No. 10 in the later part of the day, but the general arrangement is quite open and this will not be a significant impact.

Given the removal of the terrace and the limited impact of the additional bulk, the proposal has an acceptable impact on No. 10 subject to a condition with respect to obscure glazing of the side window.

To the West there is little impact upon amenity as the extent of development is contained within the opposite side of the plot.

To the rear the additional bulk of the wing does not impact upon the amenity afforded occupiers within Thatcher Avenue due to the distances involved. In regard to loss of privacy and overlooking, the existing rear wing offers rear facing windows at ground floor level and an extensive rooftop terrace above. These are replaced with an arrangement that removes the rooftop terrace and provides windows and a small balcony half a storey higher than the existing ground floor.

The revised arrangement is not considered any more harmful than the present one, views are largely across rooftops towards the coast and not into the private amenity space on neighbouring occupiers.

In addition, living conditions are protected by the distances between properties and the established green borders. It is noted that the three immediate properties to the rear, viewed from left (East) to right (West) when looking towards the coast are approximately 24m, 17m and 29m from the midpoint of the rear elevation of the extension or roof terrace, which are considerable distances.

**Highway impact:**

Highway impact has been raised within objection and hence the implications are

explored below for some clarity.

The dwelling presently benefits from a garage and driveway parking that would quite easily hold two cars. The property is considered to benefit from 3 parking spaces which is more than adequate for a dwelling of the size proposed and more than the estimated requirement for dwellings within the Saved Torbay Local Plan.

**Planning history:**

It has been stated in objections that the proposal was refused by the Planning Authority in 1989.

The previous refusals have been explored and it is clear that both refused schemes differ to that presently submitted. Both proposals submitted in 1989 sought to raise the roof (over its full width) and proposed full width flat-roofed dormers to the rear.

Each scheme should always be considered on its own merits and in-line with relevant up-to-date policy and material considerations.

**S106/CIL -**

Not applicable to householder applications

**Conclusions**

The proposal is acceptable in planning terms and will provide a suitable extension of the dwelling within a relatively secluded location to the rear of the property. There will be little impact upon the character of the property, the wider streetscene, or the level of amenity afforded neighbouring occupiers.

As such the proposal is considered to accord with relevant planning policy guidance and the application is recommended for approval.

**Condition(s)/Reason(s)**

01. The upper floor East facing window shown on the plans hereby approved shall be obscure glazed to at least an equivalent of Pilkington Level 3 and maintained as such at all times thereafter.

Reason: To protect neighbour amenity, in accordance with Policy H15 of the Saved Torbay Local Plan.

02. The rendered wall finish and the roof tiles shall match, in colour and form those elements that are present within the existing building.

Reason: To provide a suitable form of development and to protect the visual

amenities of the area, in accordance with Policies BES, BE1 and H15 of the Saved Torbay Local Plan.

**Relevant Policies**

-

**Application Number**

P/2014/0030

**Site Address**

The Pines  
78 St Marychurch Road  
Torquay  
Devon  
TQ1 3HG

**Case Officer**

Mrs Ruth Robinson

**Ward**

St Marychurch

**Description**

Re-submission of P/2013/1070 for a new four storey residential apartment block comprising 14 units with associated car parking St Marychurch Road, Torquay. Amendments comprising relocation of building forwards in the plot and revised roof design.

**Executive Summary/Key Outcomes**

The site is now cleared following demolition of the Victorian Villa that formerly occupied the site. It is a complex site due to the relationship to TPO trees, proximity to neighbours and abrupt changes in level.

Outline approval with all matters reserved was granted in 2011 for 13 flats on the site with 13 car parking spaces.

A revised detailed application for 14 flats was submitted in October 2013. This application, which has now been withdrawn, was for a building that was slightly larger than the outline approval, had moved closer to the rear boundary and was of a design that, in taking a typical villa form produced a bulky and intrusive form of building.

The key issues emerging from consultation in relation to this scheme were the size and design of the proposed building, the impact on neighbours, trees and the level of car parking.

Following negotiation on that application, the scheme was modified in an attempt to overcome some of these concerns. A fresh application has been submitted as it was considered that the changes were such that it was necessary to re-advertise the proposal. The building has moved away from the rear boundary, balconies have been deleted, and a more contemporary approach to design has succeeded in reducing the height and dominance of the roof and delivers a form of building that will sit more comfortably in the street scene.

Parking levels are consistent with the outline approval and are appropriate given the location of the site in relation to local shops and services and public transport links.

The level of S106 contributions is being challenged on the grounds of viability and the outcome of IVA will be reported verbally to the Committee meeting.

### **Recommendation**

Approval: subject to the conclusion of a S106 to secure an agreed level of sustainable development contributions and conditions in relation to large scale details, samples of materials, tree protection, advance boundary planting/ landscape, implementation of bins and bike storage and possibly widening of access (subject to tree investigation). In the event that the s106 agreement is not signed before the 13 week expiry date of the application, that permission be refused for reasons of the lack of a s106 agreement.

### **Statutory Determination Period**

This application should be determined within 13 weeks which expires on the 16th April 2014.

### **Site Details**

Development along this part of St Marychurch Road is largely Victorian in character and comprises either original or redeveloped villas in spacious plots. Building forms become much more tight grained closer to the Local Centre and away from the road frontage.

The site is currently cleared following demolition of the detached Victorian Villa which formerly occupied the site. This was most recently used as a Care Home. It is located on a busy traffic route and is bounded on three sides by residential properties which are located close to the boundaries of the site.

Vehicular access is via a drive entrance from St Marychurch Road. The level of the site slopes away from the road.

The site contains several trees that are protected by a Tree Preservation Order (TPO no. 2002.21 - St. Marychurch Road, Torquay). These occupy the southern boundary of the site, forming a dense screen between the application site and the adjacent residential block of flats, Locksley, on the eastern street frontage and on the extreme NW of the plot.

The large mature Pine and Holm Oak trees occupying the eastern street boundary and are a significant feature in the street scene.

### **Detailed Proposals**

This is a detailed application for the construction of a three and four storey block containing 14 2 bed flats with 14 car parking spaces.

### **Summary Of Consultation Responses**

*Highways:* Suggest that vehicular access might usefully be widened and some visitor parking would be welcome. They request £29,080 sustainable transport contribution to be spent on improved cycle links with the town centre and outbound towards the hospital.

*Trees:* Have no in principle objection subject to matters of detail being secured by condition.

*South West Water:* Point out location of public sewer which will have to be diverted at the applicant's expense.

*Police Architectural Liaison Officer:* Raises the lack of reference to designing out crime in the Design & Access Statement. Suggestions are included in the comments for reducing the potential of crime.

### **Summary Of Representations**

Consultation on the withdrawn application generated many letters of objection from adjacent occupiers. Objections fell into 3 broad categories.

1. Height and bulk of building: particularly the 4 storey elevation facing the rear of properties on Studely Road.
2. Loss of privacy and impact on residential amenity, inclusion of balconies to rear elevation and failure to include details of boundary treatment.
3. Lack of visitor parking.

The revised scheme is currently out for consultation and is likely to yield a similar range of concerns. Any additional points of concern emerging will be reported verbally as the consultation period expires on the 6th February.

These representations have been reproduced and sent electronically for Members consideration.

### **Relevant Planning History**

P/2005/0892: Construction of 33 apartments: Refused 26.07.05

P/2006/0799: Erection of 14 flats: Refused 1.08.06.

P/2006/1217: Erection of 11 flats and 2 houses: Withdrawn following advice that would be refused.

P/2011/0552: Erection of 13 flats (in outline): Approved 18.11.11.

P/2013/1070: Erection of 14 2 bed flats with 14 car parking spaces: Withdrawn.

### **Key Issues/Material Considerations**

This is a complex site to develop due to the relationship to TPO trees, proximity to neighbours and abrupt changes in level.

There have been a series of applications to redevelop this site. Earlier proposals to redevelop the site for 33, 14 and 13 flats respectively were refused due to the size of the proposed buildings and impact on amenity and on protected trees.

In 2011, outline approval (with all matters reserved) based on a feasibility study was granted for a replacement building containing 13 2 bed flats with 13 car parking spaces. This extended beyond the footprint of the existing villa and achieved three stories to the front of the site and four to the rear.

A revised detailed application for 14 flats was submitted in October 2013. This application, which has now been withdrawn, was for a building that was slightly larger than the outline approval, had moved closer to the rear boundary and was of a design that, in taking a typical villa form produced a bulky and intrusive form of building.

Following negotiation on that application, the scheme was modified in an attempt to overcome some of these concerns. A fresh application has been submitted as it was considered that the changes were such that it was necessary to re-advertise the proposal. The building has moved away from the rear boundary, balconies have been deleted, and a more contemporary approach to design has succeeded in reducing the height and dominance of the roof and delivers a form of building that will sit more comfortably in the street scene.

Consultation on the previous now withdrawn application identified that the key issues were height and size of the proposed building, its design its impact on residential amenity and lack of visitor parking. The revised scheme is currently out for consultation with an expiry date of 6th February and is likely to yield a similar range of concerns. Any new issues of relevance will be reported verbally.

The following matters are so far identified as being key issues.

#### **Height, Size and Design of Building**

The former building on the site was a predominantly two storey villa which sat comfortably in its tree bordered grounds and had little impact on the street scene or on the amenity of neighbouring properties. This building has now been demolished and the site cleared.

This application is for 14 units and is of a broadly similar form to the outline approval.

As originally submitted, the height of the proposed building had grown by around 1.5 m and the footprint by about 10% from the previously approved scheme. The outline approval was, however on the very margins of acceptability in terms of size and height and this further, albeit relatively minor increase in size was a cause for concern in terms of impact on the street scene, on residential amenity and on the health and longevity of

protected trees.

The proposed building had also been moved further back into the site than the outline scheme which meant that it was about 2-3m closer to the residential dwellings to the rear of the site. Whilst this was beneficial in terms of the impact on the street scene and on the mature pines which front the site it exacerbated the impact on amenity particularly on properties on Studley Road which are directly overlooked by the rear elevation of the proposed building.

The inclusion of balconies on the rear elevation was also raised as a specific concern by residents on Studley Road.

In addition, the design of the proposed building was not successful and attempts to replicate the 'villa' character resulted in a bland and bulky building with a dominant roof which would have been intrusive in the street scene.

The applicants were advised of the need to resolve these matters. This required a reduction in height, footprint, some movement of the building towards the front of the site and the inclusion of advance boundary planting that would mitigate the impact on the amenity of adjacent properties.

They were also advised that a more contemporary design, which reduced the dominance of the roof and introduced more interest to the elevations might help absorb the impact of introducing a large mass of building into such a constrained site. They were also asked to delete the balconies to the rear elevation.

A fresh application has now been submitted in response to these concerns.

In terms of design, the dominance of the roof is reduced by a more contemporary approach that involves a series of flat and mono pitch roofs to the building. This has reduced the height and achieves a less 'bulky' form of building. The building has moved closer to the front of the site, and subject to confirmation that this will not unduly impact on the TPO Pine tree, will reduce the impact on the amenity of residents of Studley Road. The balconies have been deleted which will further assist in terms of amenity. A scheme of advance planting to the rear boundary has been requested and the applicants have agreed to this.

It is considered that the scheme is now acceptable in terms of design, size, position in the site and relationship to neighbours. The Council's Arboriculturalist supports, in principle, the movement of the building towards the trees fronting the site and a revised Implications study has been submitted which is currently being assessed. Any concerns emerging will be presented at Committee.

### **Vehicular Access/Parking**

The access to the site is from St Marychurch Road and is not ideal due to the poor

visibility. Officers have indicated a preference for widening the access so that 2 vehicles can pass during access and egress. The impact that this has on the trees will need to be assessed but preliminary investigations suggest that this should be acceptable. Again, confirmation will be available by the Committee date.

In terms of the level of parking, officers have suggested that the inclusion of some visitor parking would be preferable but increasing parking levels will be difficult due to the change in levels across the site and proximity to trees. The outline scheme was approved with 1:1 car parking and circumstances have not changed since that decision was made. It is also the case that the site is well located for public transport and local services so insistence on additional parking is not justified.

### **S106/CIL -**

The SPD 'Planning Contributions and Affordable Housing' indicates that the scheme should yield the following in terms of developer contributions.

|   |                   |                   |
|---|-------------------|-------------------|
| Waste Management (Site Acceptability)             | £ 700.00          | £ 665.00          |
| Sustainable Transport (Sustainable Development)   | £26,340.00        | £25,023.00        |
| Stronger Communities (Sustainable Development)    | £ 0.00            | £ 0.00            |
| Lifelong Learning (Sustainable Development)       | £ 940.00          | £ 893.00          |
| Greenspace & Recreation (Sustainable Development) | £20,340.00        | £19,323.00        |
| South Devon Link Road                             | £10,480.00        | £ 9,956.00        |
| <b>Total</b>                                      | <b>£58,800.00</b> | <b>£55,860.00</b> |
| Administration charge (5%)                        | £ 2,940.00        | £ 2,793.00        |
| <b>Total with Admin Charge</b>                    | <b>£61,740.00</b> | <b>£58,653.00</b> |

The applicants contend that the scheme is not viable with this scale of charge particularly in light of the design changes requested which will increase construction costs. The applicant has submitted an IVA to confirm this position. This suggests that the level of contribution the scheme can afford is £20,000 which would be a discount of around 65%. Progress on this will be reported verbally.

### **Conclusions**

The revisions to the submitted scheme result in a proposal that is acceptable in terms of design, size, position in site and relationship to trees (subject to confirmation) and adjacent occupiers.

The scheme contains an acceptable level of parking that is consistent with the outline approval and satisfactory given its location in relation to public transport and local shops and services.

The applicants contend that the scheme has limited viability and have commissioned an

IVA to substantiate this. Progress on this will be reported verbally.

**Recommendation**

Approval subject to:

A. The conclusion of a S106 at the applicant's expense to secure the agreed level of Sustainable Development Contributions.

B. Conditions to secure large scale details, samples (or specification) of materials, advance boundary planting, landscaping of site, arboricultural method statement, tree protection, implementation of bins and bike storage and possibly widening of access.

**Relevant Policies**

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# Agenda Item 16

## Spatial Planning (Strategic Planning and Implementation Team) Performance Report

### Issue 3 – 2013/14 (27 Sept 2013 to 20 Jan 2014)

#### **Exec Summary**

This report provides information on the performance of the Strategic Planning & Implementation Team (Spatial Planning). This gives members of the Development Management Committee the opportunity to oversee performance against a number of indicators.

The Council's performance against the statutory function of determining planning applications and producing a local plan is vital to investment in the Bay. Investors look at, for example, the degree to which Members follow officer advice, the percentage of approvals on major applications and how quickly those decisions are made.

The Council is performing well against those indicators, which helps support the Council's and Torbay Economic Development Company's economic recovery plans.

**Headlines:** The following areas of performance are highlighted given their importance in national measures of Local Planning Authority's; these indicate a strong and improving picture for Torbay in the national context:

- 78% of Major Planning Applications in this quarter (7 out of 9) were determined within 13 weeks. On the basis of a rolling 2 year performance (in this case the period 20 January 2012 to 20 January 2014) this takes Torbay's performance on Major Applications up to 56%. This is now well above the current threshold for special measures and demonstrates our improving performance when measured against this national indicator.
- 71% of the appeals that were decided in the 2013 calendar year were dismissed. The Council continues to maintain a good performance at appeal, a key indicator of the quality of decision making.
- The one major appeal dealt with in this last quarter, which was the appeal at 250 Babbacombe Road (Morrisons), was in part dismissed and in part allowed. Critically, the main part of the appeal for the proposed supermarket use was dismissed. The Inspector allowed the works to the building, but these are unlikely to come forward in the absence of consent for the open A1 retail use.

#### **Performance against 8 week time period:**

Officers have worked hard to respond to the need to improve performance against 8 week dates and this has been steadily improving over the past 6 months. Whilst annual performance for 2013 is at 47% for Minor application types and 63% for other application types, the performance has improved in each and every quarter of 2013. The final quarter of 2013 (October to December) saw a performance of 56% for Minor and 78% for Other application types.

Performance is projected to continue on this improving trend and officer's target is to exceed the national indicator targets for Minor (65%) and Other (80%) application types in the first quarter of 2014.

## Introduction

The following areas of performance are set out in this report:

- (1) Local and Neighbourhood Plans,
- (2) planning appeal decisions,
- (3) performance on Major planning applications,
- (4) the consistency between officers and the committee in decision making, and;
- (5) forthcoming (pipeline) projects.

### **1. Local and Neighbourhood Plans**

The Proposed Submission version of the Local Plan will be published for consultation on 24 February 2014. Consultation will last for six weeks, closing on Friday 4<sup>th</sup> April.

This consultation represents the penultimate stage in the Plan's evolution, with the next main stage being the Examination in Public – which is expected in Autumn 2014.

Neighbourhood Plans are progressing well. Neighbourhood Forums are all agreed that the Local Plan must be put in place, as a priority. This will provide an agreed framework for Neighbourhood Plans. It is intended that all three Neighbourhood Plans will be independently examined early in 2015 and go to Referendum in Spring 2015.

Four masterplans have been commissioned. One for each of Torquay and Paignton Town Centres, a third covering West Paignton / Collaton St Mary and the fourth covering the major site alongside Hamelyn Way, Torquay Gateway. These masterplans will take 6 – 9 months to complete and will be based on a significant amount of community engagement. They will add value and detail to Local and Neighbourhood Plans, as well as providing a very clear framework for investment in the town centres.

### **2. Planning Appeal Decisions**

There is currently one ongoing major appeal (public inquiry) which concerns the refusal of the Council for permission for a Clubhouse and additional golf holes at Churston Golf Club (Application Reference P/2013/0019). The Inquiry opens on 25 March 2014. In addition, it is likely that major appeals will be lodged for both the proposed Tesco store at Edginswell and the proposed residential development at Collaton St Mary (Taylor Wimpey). Neither appeal was lodged at the time of compiling this report.

In relation to appeal decisions the most prominent decision since the last report was the **decision on 250 Babbacombe Road (Morrisons)**. This appeal was in part dismissed and in part allowed.

Importantly the Inspector dismissed the appeal against the variation of the condition that would have allowed the use of the site for open A1 retail use. The Inspector concluded that Torbay has a sequentially preferable site at the Town Hall Car Park (which the Inspector agreed to be suitable, viable and available). He also concluded that the proposal at Babbacombe Road would have had a detrimental impact on St Marychurch and Babbacombe centres.

Whilst the Inspector did allow the works to the building and the car park at Babbacombe Road these are unlikely to take place without the consent for the use of the building. This is

an important decision for the Council and supports the Council's Town Centres first stance, which will be crucial in the determination of any forthcoming appeal for a Tesco at Edginswell.

There are **two other appeals worthy of particular mention** here. The appeal at 45 Winsu Avenue was dismissed; this followed a committee decision to refuse consent contrary to officer recommendation. The Inspector agreed with the decision of the committee and concluded that the development would have an unacceptable impact on the character and appearance of the streetscene.

The decision at 42 Broadsands Road was allowed, this followed an officer recommendation of approval that was overturned at committee. In this case the Inspector did not agree with the committee decision and concluded that the development sits comfortably in the streetscene and that the impacts on neighbouring living conditions would not be so substantive as to warrant refusal.

In total, since the last appeal report in September 2013 there have been 17 appeal decisions made. Of the appeal decisions reported here, 10 were dismissed (including 1 costs decision), a 59% success rate over the last quarter.

Torbay continues to perform consistently well at appeal, with its annualised appeal performance at **71% dismissed for the 2013 calendar year** as a whole (17 out of 24 appeals).

There now follows a brief summary of the appeals. If Members require any greater detail on any specific appeal case, then please contact the relevant case officer.

### **Appeals Dismissed (9)**

Site:- 250 BABBACOMBE ROAD, TORQUAY, TQ1 3TA

Case Officer:- Matt Diamond

LPA ref:- P/2012/1124/VC

Ward:- Wellswood

Proposals:- Variation of conditions to enable use as A1 without restrictions on sale of goods

Issues:- Retail impact, sequential test, retail policy

Site:- 45 WINSU AVENUE, PAIGNTON, TQ3 1QE

Case Officer:- Alistair Wagstaff

LPA ref:- P/2013/0166/PA

Ward:- Preston

Proposals:- 2 dwellings

Issues:- (i) the character and appearance of the surrounding area; (ii) the living conditions of the occupiers of 31 and 47 Winsu Avenue with respect to outlook

Site:- 15 LONGCROFT AVENUE, BRIXHAM TQ5 0DS

Case Officer:- Alexis Moran

LPA ref:- P/2013/0498/HA

Ward:- St Marys with Summercombe

Proposals:- Loft conversion with front dormer

Issues:- Impact on streetscene

Site:- AVONLEA HOTEL, 53 BELGRAVE ROAD, TORQUAY, TQ2 5HZ

Case Officer:- Scott Jones

LPA ref:- P/2013/0239/PA

Ward:- Tormohun

Proposals:- Change of use from guest house to HMO

Issues:- Impact on character of the area (adjacent to PHAA) and lack of s106

Site:- SPA VIEW, LOWER WARBERRY ROAD, TORQUAY, TQ1 1QS

Case Officer:- Ruth Robinson

LPA ref:- P/2013/0222/PA

Ward:- Wellswood

Proposals:- Construction of coach house

Issues:- Impact on Conservation Area / streetscene

Site:- JACORANDA, SOLSBRO ROAD, TORQUAY, TQ2 6PF

Case Officer:- Alistair Wagstaff

LPA ref:- P/2013/0439/HA

Ward:- Cockington With Chelston

Proposals:- Demolish existing extension and construct new extension and double garage

Issues:- Impact on trees and impact on streetscene

Site:- 11 GRANGE AVENUE, PAIGNTON, TQ4 7JY

Case Officer:- Robert Pierce

LPA ref:- P/2013/0178/HA

Ward:- Goodrington With Roselands

Proposals:- Extension to existing balcony

Issues:- Impact on neighbouring living conditions

Site:- 23 CHESTNUT DRIVE, BRIXHAM, TQ5 0DB

Case Officer:- Alexis Moran

LPA ref:- P/2013/0829/HA

Ward:- St Marys With Summercombe

Proposals:- Extension to form garage and bedrooms

Issues:- Impact on streetscene

Site:- 93 BROADLEY DRIVE, TORQUAY, TQ2 6UT

Case Officer:- Scott Jones

LPA ref:- P/2013/0978

Ward:- Cockington With Chelston

Proposals:- Formation of off road parking and alterations to garage to form room

Issues:- Impact on streetscene and neighbouring living conditions

**Costs Decision Dismissed (1):**

Site:- 42 BROADSANDS ROAD, PAIGNTON, TQ4 6HH

Case Officer:- Alexis Moran

LPA ref:- P/2013/0630

Ward:- Churston and Galmpton

Proposals:- Request for award of costs

**Appeals Allowed (6)**

Site:- 250 BABBACOMBE ROAD, TORQUAY, TQ1 3TA

Case Officer:- Matt Diamond

LPA ref:- P/2012/1123/MPA

Ward:- Wellswood

Proposals:- Alterations to building and car park

Issues:- Design and appearance

Site:- 12 MARINA COURT, WARREN ROAD, TORQUAY, TQ2 5TP

Case Officer:- Scott Jones

LPA ref:- P/2013/0253/PA

Ward:- Tormohun

Proposals:- Installation of glass stainless steel balcony to apartment 12

Issues:- Impact on streetscene

Site:- 6 HOYLES ROAD, PAIGNTON, TQ3 3PH

Case Officer:- Rob Pierce

LPA ref:- P/2013/0616/HA

Ward:- Blatchcombe

Proposals:- Extension to side of property

Issues:- Impact on streetscene

Site:- 40 MEAD ROAD, TORQUAY, TQ2 6TF

Case Officer:- Scott Jones

LPA ref:- P/2013/0885/HA

Ward:- Cockington With Chelston  
Proposals:- Extension and alterations to front  
Issues:- Impact on streetscene

Site:- 42 BROADSANDS ROAD, PAIGNTON, TQ4 6HH

Case Officer:- Alexis Moran

LPA ref:- P/2013/0630

Ward:- Churston With Galmpton

Proposals:- Two storey front extension, new integral garage under, new pitched roof with dormer to rear.

Issues:- (i) The effect of the development on the character and appearance of the area; and (iii) the effect of the development on the living condition of the occupants of neighbouring dwellings.

Site:- 21 SANDPIPER WAY, THE WILLOWS, TQ2 7GJ

Case Officer:- Scott Jones

LPA ref:- P/2013/0949/HA

Ward:- Shiphay With The Willows

Proposals:- Extension to rear and side of property

Issues:- Impact on streetscene

### **Split Decision (Part Allowed, Part Dismissed) (1)**

Site:- IMPERIAL HOTEL, PARK HILL ROAD, TORQUAY

Case Officer:- Ruth Robinson

LPA ref:- P/2012/1238/PA

Ward:- Wellswood

Proposals:- Removal of balconies

Issues:- Impact on character of the building and the area

### 3. Performance on Major Planning Applications

#### Determinations within 13 weeks

Councils are expected to determine at least 30% of major planning applications within 13 weeks.

The change in approach instigated in 2013 has led to **last quarter's performance** on Major Planning Applications being **78% determined in time** (7 out of 9 major applications). The overall performance on a rolling 2 year period (20 Jan 2012 to 20 Jan 2014) is now up to **56%**.

This has been as a result of significant team effort on the part of officers, developers and Councillors and it is a position which we will continue to improve upon.

#### Approval rate for Major applications

Over the 2 year period (20 Jan 2012 – 20 Jan 2014) Torbay has maintained an **approval rate on Major Planning Applications of 74%**. Over the last quarter (27 Sept 2013 to 20 Jan 2014) 3 of the 5 Major Planning Applications determined were approved (60%), it is noted that during this period the original Snooty Fox application was refused and this has now been resubmitted in revised form and approved subject to the signing of a 106 agreement.

### 4. Committee Decisions and Officer Recommendations

As has previously been reported decisions made at committee are, in the majority of cases, consistent with the officer's recommendation (approx 95% over a 2 year period).

That consistency and strong working relationship with the Members has continued over the last quarter (27 September 2013 to 20 January 2014), where **28 out of 29 decisions** have been made in accordance with the recommendation of officers. The only one that has been overturned by the committee was the original Snooty Fox application, which has subsequently been successfully amended and approved. This demonstrates a strong consistency between the officers and the members of the committee in making planning decisions.

This level of consistency in decision making provides applicants with a high level of certainty that the eventual decision will be likely to tally with the advice they have received through the negotiation process.

### 5. Forthcoming (pipeline) projects

The following is a list of forthcoming Major projects and their current status:

| Site Address         | Summary proposal             | Status             |
|----------------------|------------------------------|--------------------|
| The Pines            | 14 Flats                     | February committee |
| Brixham Hospital     | 36 bed residential care home | February committee |
| Old Paignton Library | 38 sheltered flats           | February committee |
| White Rock           | Details for 350 homes        | February committee |

|                    |                                    |                       |
|--------------------|------------------------------------|-----------------------|
| Palace Hotel       | Hotel and residential development  | February committee    |
| Yannons Farm       | Local centre and affordable houses | March committee       |
| Wall Park Brixham  | Revised scheme                     | Application submitted |
| Scotts Meadow      | Details for 155 dwellings          | Pre-application       |
| Pavillions Torquay | Hotel, apartments, car parking     | Pre-application       |
| Riviera Bay        | Replacement of chalets with lodges | Pre-application       |

## 7. Conclusion

The Strategic Planning & Implementation team has seen recent success in relation to key indicators, including an improvement in determination timescales for all application types. In addition, the Council continues to perform well at appeal and the relationship between officer advice and the decisions of the committee are consistently in line with one another.

**A full report covering performance for the 2013/14 financial year will be provided to the April/May committee**