



Friday, 29 May 2015

DEVELOPMENT MANAGEMENT COMMITTEE

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

Monday, 8 June 2015

commencing at **2.00 pm**

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

Members of the Committee

Members of the Development Management Committee will be determined at the Adjourned Annual Council meeting on 1 June 2015

Working for a healthy, prosperous and happy Bay

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

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www.torbay.gov.uk

DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Appointment of Chairman**
To appoint a Chairman for the 2015/2016 Municipal Year.
2. **Apologies for absence**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Minutes** (Pages 1 - 5)
To confirm as a correct record the Minutes of the meeting of this Committee held on
4. **Appointment of Vice-Chairman**
To appoint a Vice-Chairman for the 2015/2016 Municipal Year.
5. **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.)
6. **Urgent Items**
To consider any other items that the Chairman decides are urgent.
7. **P/2014/0938/PA Land Off Luscombe Road, Paignton** (Pages 6 - 28)
Formation of up to 75 dwellings with associated road and landscaping.

8. **P/2015/0123/PA Highways Land On Lower Warberry Road, Torquay** (Pages 29 - 33)
Removal of the existing column and the erection of a new 15m column with additional cabinets and ancillary development.
9. **P/2015/0152/PA Babbacombe Bowling & Cary Park Tennis Clubs, Cary Avenue, Cary Park, Torquay** (Pages 34 - 37)
Extension to rear of clubhouse.
10. **P/2015/0171/PA 31 Loxbury Road, Torquay** (Pages 38 - 45)
To erect a single detached dwelling within curtilage of Sunnyvale, involving the demolition of the existing garage and the erection of two new garages.
11. **P/2015/0213/HA Hilltop, Herbert Road, Torquay** (Pages 46 - 50)
Demolish existing side garage and replace with car port, Create new garage at rear underneath the lawn, remove existing swimming pool and erect 2 storey extension to the rear of the property, erect porch to front.
12. **P/2015/0229/PA 65 St Marychurch Road, Torquay** (Pages 51 - 56)
Change of Use to form supportive living accommodation for adults with learning difficulties (Use Class C2); external alterations (retaining existing caretakers flat).
13. **P/2015/0320/PA 101 Braddons Hill Road East, Torquay** (Pages 57 - 64)
Demolition of existing warehouse, and construction of 9 two storey dwellings with 9 car parking spaces. Partial demolition of stone boundary wall fronting Museum Road to create vehicular and pedestrian access.
14. **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 before 11 am on the day of the meeting.
15. **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, 3 June 2015. 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 within 48 hours.



Minutes of the Development Management Committee

20 April 2015

-: Present :-

Councillor Kingscote (Chairman)

Councillors Morey (Vice-Chair), Addis, Brooksbank, McPhail, Pentney, Pountney, Stockman and Tyerman

96. Minutes

The Minutes of the meeting of the Development Management Committee held on 16 March 2015 were confirmed as a correct record and signed by the Chairman.

97. P/2015/0097/MOA Land To The Rear Of Broadway, Dartmouth Road, Brixham

The Committee considered a development of up to 10 dwellings and associated infrastructure, with all matters reserved other than access.

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

Resolved:

That outline planning permission be approved subject to:

- i) the completion of a Section 106 Legal Agreement within three months of the date of this committee; and
- ii) the conditions set out in the submitted report.

98. P/2015/0029/PA Orcades Hotel, 12 - 13 Esplanade Road, Paignton

The Committee considered an application for the change of use from a Hotel to a student residence/hostel.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to Members. At the meeting Stuart Lewton addressed the Committee against the application and Alex Perkins addressed the Committee in support of the application.

Resolved:

That the application be refused for the following reason:

the detrimental effect the application would have on the Principal Holiday Accommodation Area.

99. P/2015/0052/PA Fernicombe Windmill, Adj To Windmill Cottage, Windmill Lane, Paignton

Members considered an application for the conversion and change of use of the Fernicombe Windmill to a single residential unit, erection of new roof structure and single storey extension.

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, with any further conditions being delegated to the Director of Place.

100. P/2015/0053/LB Fernicombe Windmill, Adj To Windmill Cottage, Windmill Lane, Paignton

The Committee considered a conversion and change of use of the Fernicombe Windmill to a single residential unit, erection of new roof structure and single storey extension.

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 the conditions set out in the submitted report with any further conditions being delegated to the Director of Place.

101. P/2015/0092/HA 15 Duchy Drive, Paignton

The Committee considered an application for a single storey extension to the side, a single storey rear extension and increased roof height and depth.

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 the submission of revised plans that are acceptable to the Director of Place within 3 months of the date of the Committee or the application be reconsidered in full by the Committee; unless otherwise agreed by the Director of Place in consultation with the Chairman of the Development Management Committee.

102. P/2015/0148/PA Land Adjacent 51 Longmead Road, Paignton

The Committee considered an application for a change of use from highway to residential (public footway and protected trees to remain) to increase size of garden at 51 Longmead Road.

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

Resolved:

Approved.

103. P/2014/0859/MPA Torbay Hospital, Newton Road, Torquay

The Committee considered an application for the reorganisation of the parking and cycling provision to serve the hospital including improvement to access and landscaping.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to Members. At the meeting Lesley Darke addressed the Committee in support of the application.

Resolved:

Approved subject to:

- i) conditions preventing works on the car parks that are in ecologically sensitive locations until ecological surveys and details of any necessary mitigation works have been submitted to and agreed by the Director of Place in consultation with Ward Councillors and the Chairman of the Development Management Committee;
- ii) full payment of sustainable transport contribution or the signing of a Section 106 Legal Agreement to secure sustainable transport contribution, within 3 months of the date of this Committee or the application be reconsidered in full by the Committee, unless otherwise agreed with the Chairman of the Development Management Committee; and
- iii) the conditions listed in the submitted Update Report, with any further conditions being delegated to the Director Place.

104. P/2015/0067/PA Maycliffe Hotel, St Lukes Road North, Torquay

At the request of the Applicant's this application was withdrawn prior to consideration by Members of the Development Management Committee.

105. P/2015/0123/PA Highways Land On Lower Warberry Road, Torquay

The Committee considered an application for the removal of the existing column and the erection of a new 15m column with additional cabinets and ancillary development.

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 the conditions set out in the submitted report.

106. P/2015/0132/MPA Eclipse Lodge, Rawlyn Road, Torquay

The Committee considered an application for a change of use from care home to 10 residential units including demolition of existing flat roofed first floor side extension and conservatory to rear elevation. Erection of pitched roof first floor side extension, replacement windows and minor alterations.

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) the conclusion of a Section 106 Legal Agreement or Unilateral Agreement to secure the identified community infrastructure contributions including a contribution of £16,000 towards greenspace schemes; and
- ii) the conditions set out in the submitted report, with condition 4 'Submission of Woodland Management Plan' being removed.

107. V/2015/0003 The Corbyn Apartments, Torbay Road, Torquay

The Committee considered an application for a Deed of Variation of Section 106 Agreement (Planning approval P/1991/0370 - Erection Of 17 Holiday Units And Associated Parking) - Reallocation of 8 unrestricted apartments to floors 2 and 3.

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

Resolved:

Approved, that the terms of the Section 106 Legal Agreement be revised in respect of the division of the apartments between residential and holiday use. That the revised Section 106 Legal Agreement be completed and signed within 3 months from the date of this Committee.

108. Spatial Planning - Annual Performance Report 2014/15

The Head of Spatial Planning provided a presentation on the performance report, which headlined the main achievements and identified further areas of work. Members noted the Spatial Planning – Annual Performance Report for 2014/15 in particular the good performance on determining planning applications, on appeal (specifically major public inquiries), on progressing the Local Plan and masterplans. The Committee agreed that the good working relationship between Members and officers made a significant contribution to the Council's planning performance. Members also noted the loss of Section 106 income as a result in changes to national policy.

Members supported the report and the issue of a press release.

The Chairman thanked Members of the committee and Officers for their hard work and support.

109. Presentation to retiring Members

The Chairman acknowledged the years of service given to the Development Management Committee by Councillors Addis, Brooksbank and Pountney as they would not be standing for re-election in May 2015. The Chairman further thanked the Committee for all their hard work during their current term of office.

Chairman/woman

Agenda Item 7

Application Number

P/2014/0938

Site Address

Land Off Luscombe Road
Paignton

Case Officer

Mrs Ruth Robinson

Ward

Blatchcombe

Description

Formation of up to 75 dwellings with associated road and landscaping.

Executive Summary/Key Outcomes

This outline application for up to 68 new dwellings was originally considered by Members at the DMC Meeting of the 16th March.

It was deferred for 'further information in respect of the impact of the proposed development on the junction of Luscombe Road and Kings Ash Road'.

Paragraph 32 of the NPPF which provides planning guidance specifies that 'Development should only be prevented or refused on transport grounds where the residual or cumulative impacts are severe'

The original TA has been revisited by Jacobs Consultants, further information has been provided to ensure that the modelling of the junction was thorough and properly represented the impact of these additional dwellings. This confirms that the junction can accommodate these additional movements and confirms that the impact is 'less than severe'.

The report considered at the 16th March DMC is attached as Appendix 1.

Recommendation

Approve: subject to a S106 agreement to deliver the Affordable Housing contribution, the community infrastructure contributions, the surface water mitigation costs, biodiversity offsetting (if appropriate), the proposed junction improvements and to the conditions itemised below.

Statutory Determination Period

The decision on this application was due on the 16th January. Due to the deferral of the application this deadline has passed. As there is a need to resolve details in relation to the application and to finalise the S106 agreement, an extension of time to the 1st of July has been agreed.

Detailed Proposals

This is an outline application with all matters save access reserved for future

consideration. The original submission cited provision of 'up to'75 dwellings. Due to site constraints principally in relation to trees and flooding this has been reduced to a maximum of 68 dwellings.

An indicative layout is provided which shows terraced units running along the northern elevated boundary of the site with shorter runs of terraced properties cutting down across the site. There is provision for 128 car parking spaces.

There is an area of open space retained in the location of the existing dwelling and an infiltration basin for mitigating surface water runoff is located at the lowest point of the site adjacent to the proposed entrance. This is served by bio-retention swales which run along the most southerly edge of the site where surface water accumulates.

A new access is proposed for the site close to the junction of Luscombe Road and Queen Elizabeth Drive. This is formed largely from public highway verge fronting 42 Luscombe Road but does extend partway into the Luscombe Road cycle route.

Accompanying the application is a Design and Access Statement, an Arboricultural Report, a Transport Assessment, a Flood Risk Assessment and an Ecological Impact Assessment.

Included below is a summary of the key issues in relation to the wider site and this will be followed by a more detailed analysis of the transport issues and the impact on the Luscombe Road/Kings Ash junction. Members were concerned about.

Summary of Key Issues.

The site is allocated in the Local Plan for housing and as such, the principle of residential development is acceptable.

The Local Plan allocation includes a bank of woodland between the application site and properties on Kings Ash Road which is not included in the current application.

The Local Plan indicates this slightly larger site as capable of delivering 65 dwellings; the Strategic Housing Land Availability Assessment (SHLAA) indicates that it can deliver 80 dwellings.

This outline application fixes 'access only' with conceptual plans submitted to show that the site is capable of being developed to a standard consistent with the NPPF and adopted Local Plan policies.

These conceptual plans originally included 75 dwellings but this has been reduced to a maximum of 68 in order to meet concerns about tree loss, flood risk and amenity.

The revised scheme now reflects the landscape and ecological qualities of the site, shows that the site can be developed without undue impact on the amenity of adjacent occupiers, that flood risk is minimised and that the site can deliver, albeit in a conceptual sense, a well-designed scheme with a strong sense of place although with a more tight knit 'urban' form and character than is otherwise found in this more suburban housing area.

These matters were all agreed at the DMC Meeting leaving only concerns about traffic impact to be addressed.

Transport matters- Impact on Luscombe Road/Kings Ash Junction

The key issue for residents is the access from the area onto the A380. Many of the letters of objection raised this as a concern. The main point of access is the Luscombe Road junction which is busy and which will be subject to additional traffic movements arising from development of this site.

This is an allocated site with an identified capacity of 65 units. The development of new housing comprised within Great Parks Phase 1 and 2 has been informed by an overarching Transport Assessments designed to guide future works to achieve improved access to development sites and ease the free running of traffic along Kings Ash Road as these sites came on stream.

The contribution that this site would make (once occupied) to local traffic movement has formed part of this broad assessment. The ongoing Western Corridor Relief Works have arisen from this long term capacity assessment.

The A380 is a busy road which is characterised by slow moving nose to tail traffic during peak hours with much faster traffic outside peak times.

Both sets of traffic conditions present difficulties for traffic seeking to access the A380.

There are three points of access into the wider highway network, Luscombe Road (the most heavily used junction) Highfield Crescent, which accesses the A380 immediately to the south of Luscombe Road and Great Parks Road which is further south again.

In order to understand the impact of this development on traffic movement in the area a Transport Assessment was submitted. Traffic counts identified an increase of approximately one vehicle a minute during peak times through the Luscombe Road junction with minimal delays.

This was supplemented by additional information in relation to trip impact which confirmed from an Officers perspective that the junction would continue to operate within capacity.

Notwithstanding this, improvements to the operation of this junction were negotiated which comprised widening of the left hand lane (as some delay was identified in relation to vehicles turning left if traffic was queuing to turn right) and the possible inclusion of a toucan crossing or other means of creating a break in the traffic to ease movement out of the junction when traffic was free flowing.

Members were still uneasy and asked for a further assessment of the junction and a review of the work carried out to date. This has been done by Jacobs Transport Consultants, on behalf of the Council, who have been heavily involved in the evolution of the Western Corridor Relief Works currently on site along the A380.

Members did request an assessment of the percentage increase in traffic using the junction however, this does not represent a statistically accurate way of determining the change in the number of trips and Jacobs have relied on reviewing the TA and associated data and have requested additional trip data where it was considered relevant.

The consultants review concludes that the base traffic flows/counts are considered to be representative of the existing demand at the junction and that the assessment is 'robust' as it assumes all housing to be open market (20% of the dwellings will be of affordable which tends to generate lower trip rates) It also assumes all the development traffic uses the Luscombe Road junction to access the A380 when in fact data shows that 35% will use an alternative junction. The reduction in the numbers of dwellings will further reduce the impact on the junction from that modelled in the original TA.

Thus, in reality the impact on the Luscombe road junction will be less than presented in the original TA.

It is also confirmed that the PICARDY modelling requested to test the capacity of the junction indicates that no capacity issues are expected at the junction, with limited queues, negligible delay and a Ratio of Flow to Capacity below the threshold of concern.

It is also pointed out that the use of this land for dwellings has been assumed in a modelling exercise independent from this application, relating to the Western Corridor. Therefore the additional houses have been adequately considered across the wider network.

The consultants note that future improvements and signalling of junctions on the Western Corridor could increase opportunities for drivers to emerge from the Luscombe road junction as gaps will appear as a result of the sequencing of traffic lights. This will ameliorate concerns about emerging from the junction when traffic is free flowing.

The consultants conclude that the assessment undertaken follows a standard methodology, agreed with the Council and results indicate there to be no capacity issues at the Luscombe Road junction.

It is pointed out that in order to refuse an application on transport grounds the impacts need to be determined as "severe". The assessment undertaken show there to be no significant issues at the junction as a result of the additional traffic generated by the proposed development, and as such there can be no reason to refuse this application on these grounds.

The scheme also identifies a positive enhancement to the operation of the junction by increasing the flare on the left hand turn, the use of the sustainable transport contribution to fund a toucan or similar intervention in the event of concerns can be explored.

In line with advice in the NPPF, improvements in sustainable transport such as cycling and walking and through the implementation of a Residential Travel Plan will be sought to mitigate the impact of the new development on the highway network.

The site is adjacent to a designated footpath/ cycle route and the design includes good connectivity to this important facility. This will be upgraded as part of this scheme thus increasing the opportunities for more sustainable movement thus reducing the number of trips by private vehicles and alleviating pressure on the junction.

Thus it shown that the highway impacts of the site are acceptable when judged against the criteria in the NPPF and otherwise the scheme is in compliance with policies TS, T1, T3, T25 and T26.

Conclusions

The site is allocated in the Local Plan for housing and as such, the principle of residential development is not for consideration. The outline application fixes access only with conceptual plans submitted to show that the site is capable of being developed to a standard consistent with the NPPF and adopted Local Plan policies.

These conceptual plans plan have been amended by reduction and relocation of dwellings to ensure that the landscape and ecological qualities of the site are taken account of in the overall scheme, that the amenities of existing and future residents can be accommodated and that flood risk is minimised. It also demonstrates, albeit in a conceptual sense, that a well-designed scheme with a more urban form and character can be successfully developed on the site.

The key issue for residents is the access from the area onto the A380. The main point of access is the Luscombe Road junction which is heavily used and which

will be subject to additional traffic movements.

The TA and subsequent surveys have been reviewed following requests from Members and this confirms that the junction would operate satisfactorily and that the impact is 'less than severe' which is the test embodied in the NPPF.

Improvements to the operation of the junction will be secured by the development in the form of easing the left turn by widening the junction and the possibility of a toucan crossing or similar to assist in traffic seeking to access the A380.

Recommendation .

Approve: subject to a S106 agreement to deliver the Affordable Housing contribution, the community infrastructure contributions, the surface water mitigation costs, biodiversity offsetting (if appropriate) the proposed junction improvements and to the conditions itemised below. The S106 agreement to be completed within 6 months of the date of this committee.

1. Submission of Reserved Matters. Appearance, Landscaping, Layout and Scale.
2. Existing and proposed levels across the site including details of all retaining structures.
3. Arboricultural Implications Study including tree protection measures.
4. Requirement to enter s278 Notice to secure junction improvements prior to occupation.
5. Drainage design and means of dealing with surface water disposal/ detail in relation to bio-retention swales/attenuation pond.
6. Submission/Implementation of LEMP.
7. Lighting strategy to include bat friendly lighting.
8. Reassessment of trees prior to any works to assess bat roosting.
9. No ground/clearance works in bird nesting season.
10. Detail of proposed access to the site including measures to ensure highway safety.
11. No works to take place prior to reptilian relocation strategy being approved.
12. Residential Travel Plan.
13. Submission/implementation of CEMP.
14. Landscape implementation

Appendix 1

Executive Summary/Key Outcomes

The site is allocated in the Local Plan for housing and as such, the principle of residential development is acceptable. The Local Plan allocation includes a bank of woodland between the application site and properties on Kings Ash Road which is not included in the current application. The Local Plan indicates this slightly larger site as capable of delivering 65 dwellings; the Strategic Housing Land Availability Assessment (SHLAA) indicates that it can deliver 80 dwellings.

The outline application fixes 'access only' with conceptual plans submitted to show that the site is capable of being developed to a standard consistent with the NPPF and adopted Local Plan policies.

These conceptual plans have been amended since submission. Important trees have been subject to a TPO to ensure their protection and the number of dwellings has been reduced from 75 to a maximum of 68 in order to meet concerns about tree loss, flood risk and amenity.

The revised scheme now reflects the landscape and ecological qualities of the site, shows that the site can be developed without undue impact on the amenity of adjacent occupiers, that flood risk is minimised and that the site can deliver, albeit in a conceptual sense, a well-designed scheme with a strong sense of place although with a more tight knit 'urban' form and character than is otherwise found in this more suburban housing area.

The key issue for residents is the access from the area onto the A380. The main point of access is the Luscombe Road junction which is heavily used and which will be subject to additional traffic movements arising from development of this site.

The Transport Assessment and subsequent surveys established that the junction would continue to operate satisfactorily and that the impact was 'less than severe' which is the test embodied in the NPPF.

Improvements to the operation of the junction will be secured by the development in the form of easing the left turn by widening the Luscombe Road junction and the possibility of a toucan crossing or similar to assist in traffic seeking to exit this junction and access the A380. The exact form that this will take is subject to some debate and a verbal update will be given at the meeting.

The site is sustainably located and moves to promote non car based means of accessing the site and travel in the local area will be assisted through the use of travel plans and improving cycling and walking links in the area. This will also act to mitigate the impact of additional traffic on the junction.

It is therefore considered that the application to 'fix' access to the site and for residential development in principle should be approved.

Recommendation

Approve: subject to a S106 agreement to deliver the Affordable Housing contribution, the community infrastructure contributions, the surface water mitigation costs, biodiversity offsetting (if appropriate), and the proposed junction improvements and to the conditions itemised below.

Statutory Determination Period

The decision on this application was due on the 16th January. Due to the need to resolve details in relation to the application and to finalise the S106 agreement, an extension of time to the 1st of May has been agreed.

Site Details

This 1.5 hectare site is allocated for housing in the Adopted Local Plan (H1.13) and in the Submission Version Local Plan it is identified for inclusion in the Paignton Neighbourhood Plan. (Policy SDP 3).

It forms part of Great Parks Phase II. It is located to the east of Luscombe Road and to the north of its junction with Queen Elizabeth Drive. Two dwellings originally occupied the north- west corner of the site (one of these has recently been demolished) and the balance of the site is rough pasture but was previously used for camping. It falls within an established residential area.

The site occupies the south east slope of the valley and it slopes quite steeply from north east to south west across the site.

The site is bounded to the west by the Luscombe Road designated cycle route and the boundary is defined by a mature hedgerow of 'important' ecological value. A number of trees occupy the site; those within the main body of the site identified as being of arboricultural value have been recently been subject to a TPO. The boundary trees, previously protected by an Area TPO have been reassessed and those of merit are now also protected by an updated TPO.

The site is, apart from the hedgerow and trees, of limited ecological value comprising predominantly horse grazed pasture. A number of trees were considered to have potential for bat roosting and there is a 'good' population of slowworms.

The existing vehicular access to the site is from Luscombe Road. This is a designated cycle route and it provides a safe walking route to school to Kings Ash Academy.

It is sustainably located in relation to schools, public transport and local services. The A380, Kings Ash Road is accessed primarily via the junction with Luscombe

Road.

The South West Water main runs north to south across the site and requires a substantial 6 metre easement to be retained free of development.

Detailed Proposals

This is an outline application with all matters save access reserved for future consideration. The original submission cited provision of 'up to' 75 dwellings. Due to site constraints principally in relation to trees and flooding this has been reduced to a maximum of 68 dwellings.

An indicative layout is provided which shows terraced units running along the northern elevated boundary of the site with shorter runs of terraced properties cutting down across the site. There is provision for 128 car parking spaces.

There is an area of open space retained in the location of the existing dwelling and an infiltration basin for mitigating surface water runoff is located at the lowest point of the site adjacent to the proposed entrance. This is served by bio-retention swales which run along the most southerly edge of the site where surface water accumulates.

A new access is proposed for the site close to the junction of Luscombe Road and Queen Elizabeth Drive. This is formed largely from public highway verge fronting 42 Luscombe Road but does extend partway into the Luscombe Road cycle route.

Accompanying the application is a Design and Access Statement, an Arboricultural Report, a Transport Assessment, a Flood Risk Assessment and an Ecological Impact Assessment.

Summary Of Consultation Responses

Environment Agency: Whilst having no objection in principle to the development of the site for residential purposes the EA did object to the scheme as originally submitted as they did not consider that the risk of surface water flooding had been adequately taken into account. The scheme has been subsequently amended by the relocation and deletion of units to avoid the high risk areas of the site along the southern boundary. The objection is now lifted.

Drainage: The Council's Engineer is concerned that the existing surface water sewer provided as part of Great Parks Phase I will not be able to deal with any additional flow unless storage capacity is increased at the Clennon Valley watercourse. This will require the applicant to fund expansion of the storage lagoon and increased maintenance through a S106 agreement in the event of the development generating surface water runoff which cannot be mitigated through on site SUDS. This can only be calculated once the drainage strategy for the site is designed. The options are to carry out the design stage now and determine

what the costs will be or to require a payment of £255,869 via the S106 which is made up of £152,369 capital costs and annual maintenance costs of £2,940 for 25 years. It may be possible to reduce the scale of costs if on site mitigation proves capable of reducing surface water runoff to the Clennon Valley Watercourse.

South West Water: Raises no objection to the proposal but notes that no development should be permitted within 3.5 metres of the public water main that bisects the site.

Strategic Transport: Have requested additional information regarding junction capacity, more information on a ward basis rather than town wide and clarification re road widths/tracking for refuse vehicles etc. A request for £153,436 sustainable transport contribution is made to improve walking and cycle links in the area.

Highways: Observations awaited.

Arboricultural Officer: Objections were raised to the originally submitted scheme due to the loss of trees of merit and the adverse impact on TPO trees. Since that time, TPO's have been served on trees that were at risk and the scheme revised to retain good quality trees. The scheme is now deemed to be acceptable from a tree perspective.

A LEMP is required, to be secured by condition to ensure success of ecological/landscape measures.

The lack of opportunity for street trees and mitigation for the loss of the existing landscape quality of the site remains a matter of concern.

Green Infrastructure Coordinator: Requests that the Green space and recreation contributions derived from the SPD 'Planning Contributions and Affordable Housing' are secured for the Great Parks Community Park rather than being used to provide the requisite level of open space on site. The proposed links to Luscombe Road from the site is welcomed as is the mitigation outlined in the Ecological Impact Assessment. A LEMP is suggested to secure the implementation of the proposals. In order for retained hedgerows and trees to have ecological value into the future they should not be included within the domestic curtilage.

Clearance and demolition should be conditioned to occur only outside the bird nesting season, lighting details should be secured by condition to mitigate impact on bats and a biodiversity calculation should be done to ensure that a net gain in biodiversity. Off site biodiversity offsetting will be required if this cannot be achieved and secured via the S106. Improving habitats within adjacent Community Park which is part of the Ramshill County Wildlife site is suggested.

Architectural Liaison Officer: Suggests increased surveillance of public open space and that relationship of ground floor windows to public footpaths/POS is given greater scrutiny to protect residents from anti social behaviour.

Summary Of Representations

There have been many objections to the scheme. The range of concerns is as follows:

- 1. Overdevelopment/out of character with surrounding residential area/cramming.*
- 2. Impact on amenity/loss of privacy/overlooking/impact of flats/noise.*
- 3. Loss of greenspace/impact on trees/wildlife.*
- 4. Flooding/septic tanks.*
- 5. Impact on schools/infrastructure.*
- 6. Highway capacity/traffic/impact on junctions to the A380.*
- 7. Access from the site crossing cycle route.*

Each will be addressed in turn.

Relevant Planning History

The site is allocated for residential development in the Local Plan as part of Great Parks Phase II. It is shown to have an estimated capacity for 65 dwellings although this local plan allocation relates to a slightly larger site area which includes a woodland area between the site and properties on Kings Ash Road. The SHLAA indicates a possible yield of 80 dwellings for the allocated site.

This woodland area is not suitable for development due to its landscape quality and difficulties of access.

Guidance about the form that the Great Parks II development should take, the contributions necessary to deliver Affordable Homes and to meet the impact of the development on the wider area in terms of mitigation and infrastructure was originally included in the Great Parks Paignton: Phase II Planning Brief Supplementary Planning Document. This was later incorporated in the Adopted Torbay Local Plan. This identified that this site should deliver 30% Affordable Housing, that a Phasing Agreement for delivery should be provided, that physical infrastructure was required in the form of water, drainage and sewerage infrastructure and waste management, that community infrastructure contributions should be achieved and it also identified that the site should, in its design deliver a strategic landscape component and mitigation for flood risk.

An overarching Great Parks Development Transport Assessment was also carried out in 2008 to understand the need for additional highway capacity in the locality. This has informed the development of highway works particularly along the A380, the Kings Ash Road.

The Western Corridor Transport Assessment (March 2014) also tested the ability of the Bays infrastructure to accommodate 10,000 new homes and this included the application site. Highway works to improve the functioning of the A380 are currently in the pipeline.

There are two S106 agreements dated 1991 and 1995 that included this site as part of Great Parks II and secured the delivery of necessary infrastructure to enable the Great Parks scheme to proceed.

These are relevant in terms of understanding what contributions the development of this site should meet in terms of past infrastructure delivery and what necessary for it yet to meet.

Key Issues/Material Considerations

The principle of residential development of this site is long established through the allocation in the Local Plan. The key issues relate to the scale and character of development being proposed, its impact on the wider area and the mitigation needed to ensure that its impact on the area is absorbed.

The matters for consideration are:

- A. The character of the scheme.*
- B. The impact on the surrounding properties in terms of amenity.*
- C. The loss of greenspace, impact on trees and wildlife.*
- D. Flooding and drainage.*
- E. Impact on Highway network and traffic related concerns.*
- F. Impact on schools and Infrastructure.*
- G. S106 requirements.*

Each will be addressed in turn.

A. The Character of the scheme.

The site is defined as Greenfield, but allocated for residential development in the Adopted Local Plan and is set within a wider residential area. The older established housing areas to the east and south east of the site are relatively low density, comprising detached and semi detached dwellings set in generally spacious plots. More recent housing development to the north and west, and provided as part of Great Parks Phase 1 are more densely developed and provide smaller dwellings in tighter plots. They do however have a broadly suburban character in terms of the housing layout and the associated highway network.

The conceptual layout for this site in contrast is more urban in character with the use of terraced rather than detached/semi-detached forms producing defined perimeter blocks as a basis for the overall form of development.

This coupled with a more efficient highway layout than generally found in the

area produces a more compact, efficient but well designed residential layout with good security and natural surveillance.

The conceptual mix of units is for a mix of 2, 3 and 4 bed houses including some 2 bed apartments.

In order to accommodate levels across the site the terrace blocks running across the higher part of the valley side are 2 stories to the rear with 2 stories and lower level car parking facing over the valley. Five shorter two storey ranges of terraces cut down the slope and terminate close to the hedgerow bordering the Luscombe Road cycle path.

This scale and form of development is less dominant than the 4 storey blocks of flats which occupy the adjacent site.

The initial scheme included a three storey apartment blocks with 10 2 bed units located adjacent to the boundary with 42 Luscombe Road and a smaller two storey block of 4 flats located adjacent to a small public open space to the north of the site. This has since been amended to provide smaller 2 storey apartment blocks which are more in keeping with the pattern of development on site and reduces impact on neighbours.

The overall layout and form responds reasonably well to the topography of the site and is reasonably consistent with more recent development in the area and a move to smaller dwellings. Given its position within the existing urban area it has limited visual impact on the more open rural areas beyond the site to the west.

Two areas of open space are provided on site, one centred around the SWW easement and the second around the location of the attenuation pond located close to the proposed entrance.

The ridge planting will have some strategic significance in terms of distant views and the retention/reinforcement of that is important.

A Building for Life Assessment has been submitted which seeks to demonstrate that the sites characteristics have been fully investigated, that a design response has emerged from a detailed understanding of its qualities and constraints. Whilst these details will only be secured at Reserved Matters stage it does show the capacity to deliver a good quality scheme.

The submitted conceptual layout has been modified quite significantly during the life of the application.

This has been in response to concerns about the impact on trees, flood risk and on residential amenity. This has involved the deletion and relocation of units along the ridge and adjacent to the hedgerow to ensure the retention of trees and

avoidance of the flood risk zone. The proposed public open space has been redesigned to create a more attractive space and to allow retention of trees and development along the boundaries has been scaled down to reduce impact on the amenity of neighbours. These will be addressed in more detail in the relevant section below. However, the basic conceptual approach, reached after extensive design investigation of the site and its qualities remains broadly unchanged.

It is considered that the conceptual form and layout of the scheme, whilst more urban in form and character, makes effective use of urban land and responds well to the topography of the site. It has the potential to create a good quality, well designed scheme that will provide a sense of place and a satisfactory residential environment for future residents although the detail of this will need to be secured at Reserved Matters stage. As such it accords with policies H9 and H10 of the saved Adopted Local Plan 1997-2011.

B. Impact on Amenity

Concerns have emerged from consultation about potential impact on amenity particularly from residents on Kings Ash Road and Luscombe Road. Whilst this is an outline application and matters such as siting and design of individual units will be resolved at the reserved matters stage it is particularly important to identify potential conflicts at this early stage in the process.

The proposed 10 unit apartment block adjacent to 42 Luscombe Road was located close to the boundary and there was limited information to understand level changes and potential for overlooking across the boundaries. In response, the block has been reduced from 10 to 6 units and relocated away from the boundary. This alleviates conflict and allows opportunity for landscaping to be introduced which will help mitigate concerns about privacy.

Other issues in relation to amenity largely relate to the impact of construction which cannot in itself form a reason to resist development. It is appropriate however to ask for a Construction Management Plan to ensure that the site is managed in a professional manner which will reduce nuisance to local residents.

Thus it is shown that the site can be developed without undue impact on amenity in compliance with policies H9 and H10 of the saved Adopted Local plan 1990-2011.

C. Loss of Greenspace, Impact on Trees and Wildlife

This is an allocated site and so the principle of residential development is established. It is important however that the value of the site from an ecological and landscape perspective is fully understood and appropriate mitigation achieved.

The development of the site for housing purposes is inevitably going to lead to a reduction in the green, open character of the site. Greenspace is of value for both

visual and ecological reasons.

In terms of the visual qualities of the site, negotiations have succeeded in ensuring the retention of many trees that were to be felled and following a detailed assessment of their health, TPO's have been served to ensure that significant trees are protected. These relate to the trees along the boundary with properties along Kings Ash Road, the existing attractive trees centred around the existing dwellings on the site (except the Monkey Puzzle which has only a limited life) and 2 trees along Luscombe Road which were either to be felled or suffer root damage under the original submission.

In terms of the ecological value of the site, an Ecological Impact Assessment has been submitted following a Phase 1 Habitat Survey. This identifies broad mitigation and enhancement proposals pre and post construction and seeks to ensure that the most important ecological features of the site are protected and indeed improved.

A key ecological feature is the hedgerow along Luscombe Road. This is species rich and merits definition as 'important'. Whilst some 21m of this hedge is lost due to the need to create a new access, its loss is mitigated by new hedgerow planting and the creation of new habitats within the site. It will also be properly managed in the long term to ensure its longevity and to provide a more effective wildlife corridor. The long term management of retained trees is also now secured to the benefit of wildlife.

A LEMP (Landscape and Ecology Management Plan) to ensure proper management of key landscape and ecology features which will be beneficial to the area is recommended by their consultant endorsed by the Councils Green Infrastructure Officer and will be secured by condition.

Further, in order to mitigate the loss of open space, the green space contribution derived from the S106 contributions will be used towards the establishment of the proposed Country Park.

Any reduction in biodiversity on site should be compensated for by improvements to the habitats in the proposed Country Park which includes the Ramshill County Wildlife Site. This requires a calculation to be carried out by the applicant's consultant using the DEFRA biodiversity offsetting matrix to determine whether there is a net gain or not for biodiversity.

Thus it is shown that the site can be developed in compliance with policies LS, L10, L8/9, NCS, and NC5 of the saved Adopted Local Plan 1995-2011.

D. Flooding and Surface Water Drainage

The Councils Strategic Flood Risk Assessment shows the site lies in Flood Zone 1. It lies within the catchment of the Clennon Valley Watercourse which has

experienced flooding downstream of this site. The scheme includes on site mitigation for surface water disposal in the form of an attenuation pond and a bio retention strip adjacent to the valley bottom where there have been incidents of surface water flooding.

The EA initially raised an objection to the proposed layout due to the location of dwellings close to the valley bottom and within the surface water flowpath. This objection was lifted when the units were relocated higher up the valley side.

The Councils Drainage Engineer has concerns about the scale of surface water discharge from the site if developed. It is not known, until full infiltration tests are carried out and the drainage scheme fully designed whether the onsite SUDS scheme is fully able to absorb excess run off. Any excess run off will have to be discharged into the Clennon Valley Watercourse via surface water sewers. This would require increased capacity at the Clennon Valley attenuation pond which the applicant would be required to fund. Currently, the applicant is reluctant to fund this detailed design work. However, for the purposes of the S106, and in the absence of firm data, it is important to include a figure that is a cautious estimate of what these works may cost. The Drainage Engineer suggests a figure of £255,890 (index-linked) which includes £ 152,369 capital works and annual maintenance costs of £ 2940 for 25 years. This may be reduced if calculations show that surface water can be more fully mitigated by on site SUDS systems. Thus it is shown that the site can be developed in compliance with flood risk policies included in the NPPF.

E. Impact on Highway Network and Traffic Related Concerns

As previously highlighted, this is an allocated site with an identified capacity of 65 units. The development of new housing comprised within Great Parks Phase 1 and 2 has been informed by an overarching Transport Assessments designed to guide future works to achieve improved access to development sites and ease the free running of traffic along Kings Ash Road as these sites came on stream. The contribution that this site would make (once occupied) to local traffic movement has formed part of this broad assessment.

This small enclave of post war housing comprising Luscombe Road, Luscombe Crescent, Queen Elizabeth Drive, Highfield Crescent, Great Parks Road acts in highway terms like a large cul de sac with only limited access onto the principle through route, the A380. This is a busy road which is characterised by slow moving nose to tail traffic during peak hours with much faster traffic outside peak times. Both sets of traffic conditions presents difficulties for traffic seeking to access the A380. There are three points of access into the wider highway network, Luscombe Road (the most heavily used junction) Highfield Crescent, which accesses the A380 immediately to the south of Luscombe Road and Great Parks Road which is further south again.

Increased traffic is the area of most concern to local residents particularly the

operation of the junctions from this neighbourhood onto the A380, the Kings Ash Road. In order to understand the impact of the additional traffic moment in the area generated by development of this site a TA has been submitted which has been assessed by the Councils Strategic Transport Officer.

The TA assesses the accessibility of the site, the existing traffic conditions, involves detailed surveys particularly at congested junctions. It examines what difference this scheme will have on the local highway network and identifies what mitigation is achievable. It also looks at ways of improving more sustainable means of moving about the local area.

In the initial TA, traffic counts were carried out at the Luscombe Road/ Kings Ash Junction which identified that average waiting times at this junction during peak times was seven seconds and that the development was likely to introduce an additional 2 way average of 1 vehicle movement a minute during peak times. It was assumed that all development traffic would use this junction to exit onto the A380.

The Councils Strategic Transport Officer considered that, given the additional strain on this already difficult junction further assessment of the Luscombe Road junction onto the A380 through a PICARDY analysis should be undertaken along with a more detailed analysis of traffic movements in this particular neighbourhood.

This aimed to achieve a better understanding of likely trip generation, how it dispersed itself across the points of access and possible queuing times if this development went ahead.

What this more site specific assessment showed was that not all the existing traffic seeking to access the A380 from this neighbourhood uses the Luscombe Road/Kings Ash Junction. About 35% of traffic avoided the Luscombe Road junction, particularly if wishing to travel south, by using the Great Parks Road junction. This, along with the reduction in dwelling numbers, meant that the identified impact of the development on the most heavily used junction, Luscombe Road was not as significant as originally anticipated in the TA.

Whilst the slow moving traffic along Kings Ash Road is clearly identified as a key matter which inhibits access from the residential area surrounding the application site onto the wider network. The conclusion of the TA was, in summary, that there was no unacceptable queuing arising as waiting traffic was often waved through and that the addition of 68 units should not 'have a detrimental impact on the operation of the road network'.

What did emerge however is that vehicles wanting to travel north on the A380 from the Luscombe Road junction could get held up during peak times if traffic was queuing to turn right. This arose due to the restricted width of the junction. A

solution to this is to increase the exit width and thus improve ease of movement if travelling north. It is considered that this would improve the functioning of this junction and assist traffic seeking to travel north and should be secured as part of this development.

It also emerged that the nose to tail traffic along the A380 often facilitated access through the junction as waiting cars are often 'waved through'.

The current works to improve the through flow of traffic on the A380 as part of the Western Corridor Relief Works may however make it more difficult to emerge into traffic flows that are more free flowing and speedier.

A solution to this is the possible inclusion of a toucan crossing at the point of the existing traffic refuge south of Luscombe Road. This would assist pedestrian and cyclists (enhancing the options for more sustainable movement and theoretically cutting car journeys) and the inclusion of Keep Clear markings southbound across Luscombe Road would also provide an opportunity for vehicles to exit when the toucan crossing is in operation. This could be funded by the Sustainable Transport Contribution which would be derived from the scheme. Further assessment of this option is required in the context of the ongoing Western Corridor Relief Works and a verbal update will be provided at the DMC meeting.

Thus the TA identifies that the impact of the additional traffic movement particularly on the Luscombe Road junction is not considered to be severe. On that basis, in line with the test in the NPPF, the application does not warrant refusal of planning permission. The scheme also identifies a positive enhancement to the operation of the junction which could be funded by the S106 money derived from the scheme. The NPPF also advises that reducing the use of the private car by improvements in sustainable transport such as cycling and walking and through the implementation of a Residential Travel Plan should be sought to mitigate the impact of new development on the highway network. The site is adjacent to a designated footpath/ cycle route and the design includes good connectivity to this important facility. This will be upgraded as part of this scheme thus increasing the opportunities for more sustainable movement.

Requests have been made by residents of Luscombe Road to consider other options for accessing the site either by forming an access from Trelissick Road/Montesson Road (immediately to the north of the application site) or from the point where the Luscombe Road cycle route crosses Trelissick Road.

The former option is impractical due to changes in levels between the two sites and intervening land ownerships. Of these two routes, which terminate close to the northernmost boundary of the site, one would involve land take across a car parking court which serves the adjacent flats and the other a private garden and parking bay. In addition to the costs of purchasing these two strips of land a

ransom of around £400,000 would be payable to the developer of Great Parks Phase 1 to meet the costs of the highway infrastructure delivered as part of that development. This would further affect the deliverability of the application site.

The applicants have, in addition to providing detailed levels, pointed out the more tortuous route to the main A380 from this point in contrast to the more direct route to the A380 junctions proposed as part of this application.

The suggestion of using the northern part of the Luscombe Road cycle path as an alternative access presents difficulties due to it being a designated cycle route. It would require widening over a significant length and require significant works to bring it up to an adoptable standard for servicing the new development.

The transport implications of both options in terms of the capacity of feeder streets and the main junction into the area are to be given some consideration by the applicants Transport Consultant.

It is likely that serious objection would be generated to any such proposal by people living in the adjacent area. A verbal update on this will be given at the meeting.

It must be borne in mind that the application for consideration is an outline application to fix access at the point shown on the submitted plans. This can only be refused planning permission if the impact on the highway network is shown to be 'severe' through assessment of a TA which is demonstrably not the case.

This application could not be refused, if it is shown that the highway network will continue to operate satisfactorily, simply because there is an alternative option.

It has also been suggested that the road traffic order operating at the junction of Lutyens Drive and Queen Elizabeth Drive, which allows access only for emergency vehicles should be amended to allow traffic from the Luscombe Road area to gain access to the A380 via the signalised junction of Cotehele Drive with the A380.

This however cannot be achieved via this planning application as it is not within the control of the applicant to deliver and it would require the road traffic order to be varied which would be subject to public consultation. It is also likely that this would attract objection from residents of the affected streets.

Other concerns relate to the proposed access to the site which crosses over public highway land and appears to coincide with the footpath/cycle route along Luscombe Road. The tentative design has been looked at and is capable of being designed to ensure full highway safety. Its relationship with the main road also requires careful design. It must be recognised that the existing housing on the site is directly accessed from Luscombe Road and as part of this scheme this

potentially more unsafe means of access will be deleted and the hedgerow reinstated. This is a matter however that can be looked at in more detail at the Reserved Matters stage.

Thus it shown that the highway impacts of the site are acceptable when judged against the criteria in the NPPF and otherwise the scheme is in compliance with policies TS, T1, T3, T25 and T26.

F. Impact on Schools and other Infrastructure including Septic Tanks.

There are both primary and secondary schools located in easy walking distance. It is not considered that this application will have any appreciable impact on either school. Kings Ash Academy is within 800m of the site and has capacity at the moment. Pressures may start to emerge in 2018 but it is proposed to open a new school closer to Paignton Town Centre which will enable school catchments to be reconfigured and maintain capacity at this school.

A particular concern from residents on Kings Ash road is the impact of the development on their septic tanks and the drainage field that each requires. Properties on Kings Ash Road that back onto the site are all serviced by septic tanks located to the rear of the gardens close to the boundary of the site. The applicant, whose family has owned the site for many years, is unaware of any easements granted for occupiers of these properties to use his land for soakaways.

'Prescriptive easements' may be achieved by affected residents if they can demonstrate use of the land in question without challenge for more than 20 years.

In the absence of any easement then the use of the land for such purposes would be subject to challenge by the landowner. This is essentially a civil matter to be resolved between the respective landowners. If the Kings Ash Road properties have a legal right to use the land for soakaways, then the landowner, if he wished to carry out the development, would have to pay for the mains connection to be carried out along with an agreed maintenance charge.

As with a restrictive covenant, the landowner's legal responsibilities would not be overridden by the grant of planning permission. Further advice is being sought regarding the likely extent of soakaways and progress will be reported verbally. Nonetheless, the new dwellings are more than 15m from the boundary of the site with the Kings Ash Road dwellings which would be compliant with Building Regulations regarding the distance required between residential properties and septic tank soakaways.

G. S106 Requirements.

The requirements in relation to the S106 are as follows:

Policy H5 Affordable Housing on identified sites requires the provision of 30%

Affordable Housing. This site has been subject to an IVA which has confirmed that with the original 75 units, the scheme could deliver 17 AH units on site which comprises 22.7% of the total. The reduction in numbers of units will clearly affect the viability of the site and the offer has been reduced to 20%. This is likely to prove acceptable subject to deferred contributions being agreed and progress will be reported verbally.

In addition to meeting the AH contribution the scheme should meet the Community Infrastructure Contributions as required by the Adopted SPD 'Planning Contributions and Affordable Housing'

This is worked out on the basis of floor space and at the outline stage this is difficult to finalise. A schedule of floor space and associated costs can be prepared for inclusion in the S106. In order to provide some guidance as to the likely scale of costs the table below is calculated simply on the basis of bedroom numbers comprised within the current conceptual scheme. This also assumes all market housing and does not include any discount in respect of the Affordable Homes included within the scheme.

<i>Waste Management (Site Acceptability)</i>	
	<i>£3,400.00</i>
	<i>£3,230.00</i>
<i>Sustainable Transport (Sustainable Development)</i>	
	<i>£150,980.00</i>
	<i>£129,576.83</i>
<i>Stronger Communities (Sustainable Development)</i>	
	<i>£10,600.00</i>
	<i>£0.00</i>
<i>Lifelong Learning (Sustainable Development)</i>	
	<i>£19,360.00</i>
	<i>£4,537.83</i>
<i>Greenspace & Recreation (Sustainable Development)</i>	
	<i>£114,060.00</i>
	<i>£94,502.83</i>
<i>Total</i>	
	<i>£298,400.00</i>
	<i>£283,480.00</i>
<i>Administration charge (5%)</i>	
	<i>£14,920.00</i>
	<i>£14,174.00</i>
<i>Total with Admin Charge</i>	
	<i>£313,320.00</i>
	<i>£297,654.00</i>

The greenspace contribution will be used to help fund the Country Park and the Sustainable Transport Contribution to fund the Toucan crossing and

improvements to the cycle path etc.

In addition to this, there is a need to either carry out the detailed drainage design to establish the costs of dealing with residual surface water runoff or to pay the contribution highlighted in the report. This can then be reduced if it is shown that surface water can be absorbed on site.

A DEFRA offsetting calculation is required to be carried out to establish whether there is any net impact on Biodiversity which should be mitigated by works to improve habitats in the Ramshill CWS.

The works to improve left hand traffic flows at the Luscombe Road/Kings Ash Road junction can be secured by a Grampian condition. The costs of these works are unclear at the moment.

Conclusions

The site is allocated in the Local Plan for housing and as such, the principle of residential development is not for consideration. The outline application fixes access only with conceptual plans submitted to show that the site is capable of being developed to a standard consistent with the NPPF and adopted Local Plan policies.

These conceptual plans plan have been amended by reduction and relocation of dwellings to ensure that the landscape and ecological qualities of the site are taken account of in the overall scheme, that the amenities of existing and future residents can be accommodated and that flood risk is minimised. It also demonstrates, albeit in a conceptual sense, that a well-designed scheme with a more urban form and character can be successfully developed on the site.

The key issue for residents is the access from the area onto the A380. The main point of access is the Luscombe Road junction which is heavily used and which will be subject to additional traffic movements. The TA and subsequent surveys established that the junction would operate satisfactorily and that the impact was less than severe which the test is embodied in the NPPF. Improvements to the operation of the junction will be secured by the development in the form of easing the left turn by widening the junction and the possibility of a toucan crossing or similar to assist in traffic seeking to access the A380.

Recommendation

Approve: subject to a S106 agreement to deliver the AH contribution, the community infrastructure contributions, the surface water mitigation costs, biodiversity offsetting (if appropriate) and the proposed junction improvements and to the conditions itemised below.

- 1. Submission of Reserved Matters. Appearance, Landscaping, Layout and Scale.*

2. *Existing and proposed levels across the site including details of all retaining structures.*
3. *Arboricultural Implications Study including tree protection measures.*
4. *Requirement to enter s278 Notice to secure junction improvements prior to occupation.*
5. *Drainage design and means of dealing with surface water disposal/ detail in relation to bio-retention swales/attenuation pond.*
6. *Submission/Implementation of LEMP.*
7. *Lighting strategy to include bat friendly lighting.*
8. *Reassessment of trees prior to any works to assess bat roosting.*
9. *No ground/clearance works in bird nesting season.*
10. *Detail of proposed access to the site including measures to ensure highway safety.*
11. *No works to take place prior to reptilian relocation strategy being approved.*
12. *Residential Travel Plan.*
13. *Submission/implementation of CEMP.*
14. *Landscape implementation*

Relevant Policies

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Agenda Item 8

Application Number

P/2015/0123

Site Address

Highways Land On Lower Warberry Road
Torquay
Devon
TQ1 1SH

Case Officer

Verity Clark

Ward

Wellswood

Description

Removal of the existing column and the erection of a new 15m column with additional cabinets and ancillary development.

Executive Summary/Key Outcomes

The proposal is for the erection of a 15m column with four additional cabinets and ancillary development.

The proposal is considered to be acceptable in this location and without serious detriment to residential amenity of neighbouring occupiers or the character or appearance of the locality within the context of the Warberries Conservation Area.

The application is deemed to be acceptable for planning approval.

Recommendation

Conditional Approval

Statutory Determination Period

8 weeks, expired on 24/04/15.

Update

The application was brought before the April Development Management Committee. It was resolved to grant conditional approval for the application in line with officer recommendation. The application has been brought to the June Committee meeting as two additional representations were received and mistakenly not reported at the original committee meeting. No new issues were raised by the additional representations and petition.

Site Details

The application site is highways land on Lower Warberry Road located south of the block of flats 'Sorrento' and situated on an area of pavement 3.9 metres to the right of an existing telegraph pole.

The site is located within the Warberries Conservation Area.

Detailed Proposals

The proposal is to remove the existing 12.5 metre high telecommunication pole and install a 15 metre high telecommunications pole 12 metres to the left of the existing pole's location. The proposal also includes the addition of four street cabinets to be situated to the right hand side of the existing street cabinet.

Summary Of Consultation Responses

Urban Design Officer - Verbal Consultation: The proposal is considered to be acceptable. The location of the pole is in close proximity to existing street furniture and due to the location within the Conservation Area it is not considered that alterations to the design or forms of screening are appropriate.

Summary Of Representations

9 objections have been raised including 1 petition with 17 signatures. Issues raised:

- Impact upon the Conservation Area
- Visually obtrusive
- Relationship with nearby buildings
- Impact on light levels
- Alternative locations should be considered
- Impact on outlook
- Health impacts
- Impact on property values
- Insufficient consultation.

Relevant Planning History

P/2014/0504 Erection of a 15m column with additional cabinets and ancillary development. REFUSED 15/08/14

P/2008/1409 Telecommunications application - installation of 10M slimline monopole supporting shrouded antennas with equipment cabinet. APPROVED 05/12/08

Key Issues/Material Considerations

This application seeks permission for the erection of a 15 metre high telecommunications pole and four additional street cabinets. This will replace the existing 12.5 metre high telecommunications pole.

The existing telecommunications equipment provides coverage for the 2G network in the area. With the release of 4G the site needs to be upgraded to allow for 3G and 4G coverage. The existing column is structurally unable to accommodate the required amount of antennas and a stronger replacement structure is therefore required. The proposal is part of a joint venture by O2 and Vodafone and is intended in the long term to reduce the number of base stations nationally by consolidating single use base stations.

The applicant has noted that the site has been chosen as an existing base station is in situ and the upgrading of the site can be undertaken rather than works taking place in a new location. The overall impacts of the proposed upgrade can be undertaken with negligible additional visual impacts on the area.

It should be noted that guidance from the NPPF on determining planning applications for communications infrastructure states that:

"Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure."

The key issues to consider in relation to this application are the impact the proposal would have on the character and appearance of the street scene within the context of the Warberries Conservation Area and the amenity enjoyed by the occupiers of neighbouring properties.

Verbal consultation from the Council's Urban Design Officer has not raised an objection to the proposal. Although it is noted the proposal is within the Conservation Area the location of the pole is within close proximity to existing street furniture. The increase in overall height is not considered to significantly impact upon the street scene within the Conservation Area further than the existing equipment and in this instance alterations to the design or forms of screening are not considered to be appropriate to the location.

It should be noted that a proposal for a 15 metre high telecommunications pole located 1.8 metres to the left of the existing pole and four associated street cabinets was refused under application P/2014/0504 at the August 2014 Development Management Committee. This was due to the proposed impact on visual amenity of the adjacent block of flats by reason of its increased height and width in comparison to the existing telecommunications pole and it was considered that any proposal should therefore be placed in a less conspicuous position in order to mitigate its impacts. As no attempts were made to mitigate the visual impact of the proposal by way of its positioning and use of existing landscape features the proposal was considered to be contrary to Policies BES, BE1, BE5, INS and IN3 of the Saved Adopted Torbay Local Plan 1995 - 2011.

The current application follows on from this original application and has altered the location of the proposed pole in an attempt to reduce and mitigate the impact of the pole within the street scene. The proposed pole is located 3.9 metres to the right of an existing telegraph pole. This has therefore attempted to group together the street furniture, thus attempting to reduce the impact of the proposal within the street scene.

The proposal is considered to be an appropriate addition to the wider street scene. The proposed telecommunications pole will be 15 metres in height. This will replace the existing 12.5 metre high pole. Whilst it is acknowledged that the telecommunications equipment is located within the Conservation Area the design of the pole with associated antenna is of a streamline design that is considered to be appropriate within the context of the locality. The proposal is not considered to be of a materially detrimental design, appearance and height than the previously approved telecommunications equipment approved under application P/2008/1409 and the location of the proposed pole has been moved from the previously refused application P/2014/0504 in order to take on comments made at the Development Management Committee and the subsequent reason for refusal. The colour of the mast will be grey which is considered to be acceptable in this location. The proposed elevation plan shows the block of flats 'Sorrento' which is situated north of the proposed equipment. The increase in height of the pole will result in the total height of the pole being of a similar height to that of the block of flats. The impact of the proposed pole is however not considered to significantly impact upon light levels, or to be of a visually obtrusive nature to the nearby buildings that would warrant refusal and is situated to the far side of the building which is orientated at an angle that faces slightly away from the proposed location of the pole. This location is considered to be an improvement to the existing location of the pole which is situated in a prominent location in the centre of a fairly open area of pavement. Under this revised application the location of the pole is situated in closer proximity to the property 3 Bingfield Close. This is considered to be acceptable due to the distance from the property, the situation of the existing telegraph pole and the existing boundary treatment of the property.

The four additional street cabinets are considered to be appropriate in terms of design and location. They are to be sited on a section of pavement next to an existing street cabinet. The location will allow for adequate space for users of the pavement and will fit in with the wall located to the rear.

The proposal is therefore considered to maintain and preserve the character and appearance of the street scene within the Conservation Area.

In order to avoid a proliferation of redundant masts and in the interests of visual amenity a planning condition will be required to ensure any redundant equipment is permanently removed from the site and the land is returned to its former condition.

S106/CIL -
N/A

Conclusions

The proposed development 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. Should any part of the apparatus hereby approved become redundant it shall be permanently removed from the site and the land shall be reinstated to its former condition unless otherwise agreed in writing by the Local Planning Authority. Reason: To avoid a proliferation of redundant masts, in the interests of visual amenity, in accordance with policies BES, BE1, IN3 and IN4 of the Torbay Local Plan 1995 - 2011.

Relevant Policies

- BES - Built environment strategy
- BE1 - Design of new development
- BE5 - Policy in conservation areas
- INS - Infrastructure strategy
- IN3 - Telecommunications
- IN4 - Redundant telecommunications equipment

Agenda Item 9

Application Number

P/2015/0152

Site Address

Babbacombe Bowling & Cary Park Tennis Clubs
Cary Avenue
Cary Park
Torquay
Devon
TQ1 3NQ

Case Officer

Mr Scott Jones

Ward

St Marychurch

Description

Extension to rear of clubhouse.

Executive Summary/Key Outcomes

The proposal seeks a moderate sized extension to the existing clubhouse that serves the tennis and bowling club. The principle of improvement of this community sporting facility is supported in planning policy, as there are clear benefits to the community from the provision of improved recreation facilities. The NPPF emphasises the importance of promoting healthy communities and notes that access to opportunities for sport and recreation can make an important contribution to the health and well being of communities.

Due to its limited scale and conforming form and materials, and its secluded location to the rear of the building, the impact upon the character and appearance of the area and neighbour amenity would be acceptable in this location

The proposal is presented to the Committee as the land is a council asset and with an objection received the application cannot be determined under delegated powers.

Recommendation

Approval.

Site Details

A single-storey flat-roofed sports clubhouse set towards the rear and adjacent to bowling and tennis courts off Cary Avenue. Elevations are clad in white Upvc boarding and fitted with Upvc Casement windows.

The building sits in the Cary Park Conservation Area.

Detailed Proposals

Side and rear extension to the existing clubhouse. The proposal will add

approximately 70 square metres of internal floor area. The proposed extension would increase the size of the main club room, provide new larger kitchen and bar facilities and additional floorspace for the tennis club, including a new office. The exterior would be finished in materials to match the existing building.

Summary Of Consultation Responses

Conservation and Design Officer:

Discussion having considered the plans concluded that the proposal would have little effect upon the buildings character or its contribution to the Cary Park Conservation Area. No objection.

Summary Of Representations

One letter stating that the building has already expanded over the years and further enlargement would have an impact upon local amenities for local people and result in increased visitors to the sports facilities that will in turn impact upon congestion levels and parking. The impact upon house prices is mentioned however this is not a relevant planning consideration.

With an objection received to a planning application for a property that is a Council asset, the proposal has been forwarded to the Development Management Committee for a decision.

Relevant Planning History

DE/2015/0025 - Extension to clubhouse – Supported.

Key Issues/Material Considerations

With consideration of the proposal and the context the key issues and material considerations are:

1. Visual impact, including the impact upon the Cary Park Conservation Area;
2. Impact upon adjacent occupiers/amenity;
3. Highway/movement impact.

1. Visual impact

The proposal is considered acceptable in regard to the likely visual impacts.

The existing clubhouse sits close to the southern boundary of the wider sporting facility with the principal elevation facing north towards the bowling and tennis facilities. The rear elevation faces a well established high border hedge that defines the southern border, which largely screens the building from immediate public view along the adjacent footpath that runs east-west.

The proposal will not overtly alter the buildings scale or character and it will remain a recessive building on the site and one that is appropriate in the context. The matching detailed design and materials is an appropriate design solution.

With limited impact the character and appearance of the building and wider area is conserved and the proposal is considered to comply with Policies BES, BE1 and BE5 of the Saved Local Plan and advice contained within the NPPF in respect to heritage assets.

2. Amenity impact

The proposal is considered acceptable on amenity grounds.

The scheme is principally a moderate extension to an existing clubhouse. Due to its location, scale and height there will be no resultant impact upon the level of amenity presently afforded neighbouring occupiers.

The increased floor area will improve the clubhouse facility that supports the adjacent sports areas. It does not increase the sporting capacity of the adjacent clubs as there would be no changes to the tennis courts or bowling green as a result of this application. It is unlikely that the proposed improvements would result in any demonstrable increase in traffic movement in and around the area. With limited impact upon adjacent occupiers due to the extent and nature of the development that is proposed the development is considered to comply with relevant criteria within Policy RS of the Saved Torbay LOCAL Plan which supports the improvement of leisure facilities providing that there would be no significant adverse landscape, environmental or other planning impacts .

3. Highway movement impact

The proposal is considered acceptable on highway and movement grounds.

The proposal does not affect any access or parking facility. In addition it does not ultimately alter the capacity of the adjacent sporting clubs. The improved facility may to a degree improve the attractiveness of the sports clubs to potential users, which is commended in wider policy terms, however the moderate increase of the ancillary facility is unlikely to result in a demonstrable impact upon the highway network or pressure for local street parking.

With matters of highways and movement considered the proposal is considered compliant with Policy RS of the Saved Local Plan.

S106/CIL -

N/A.

Conclusions

Having considered the aims and objectives of relevant planning policy guidance and other material considerations the proposal is considered acceptable on planning merit. The application is hence recommended for approval. A condition on matching materials should be attached to ensure a suitable form of development that protects the visual amenities of the area.

Condition(s)/Reason(s)

01. Materials to match.

Relevant Policies

RS - Recreation and leisure strategy

BES - Built environment strategy

BE1 - Design of new development

BE5 - Policy in conservation areas

CF1 - Provision of new and improved community

Agenda Item 10

Application Number

P/2015/0171

Site Address

31 Loxbury Road
Torquay
Devon
TQ2 6RS

Case Officer

Mr Scott Jones

Ward

Cockington With Chelston

Description

To erect a single detached dwelling within curtilage of Sunnyvale, involving the demolition of the existing garage and the erection of two new garages.

Executive Summary:

The proposal seeks to provide a detached dwelling within a triangular section of garden located to the side of the existing dwelling that sits at the end of a residential cul-de-sac.

The proposal is a resubmission of a design approved in 2012, which is an extant permission until 17th July 2015.

The proposal is considered a successful response to the sites constraints, the most sensitive of which is the visual impact upon the landscape setting of the neighbouring Cockington Valley, which it looks over.

An area of the plot is overgrown and in the absence of an extended phase one habitat survey to establish the presence or not of protected species the ecological implications of the proposal are unknown. A habitat survey was not requested when the previous planning application for the site (P/2010/1397) was considered. Since the determination of this application the importance of minimising impacts on biodiversity and providing net gains in biodiversity where possible has been emphasised by the NPPF (para. 109) and therefore it is good practice to ensure that new development would have no harmful ecological effect on the site or the surrounding area.

The proposal, subject to the findings of an ecological survey, and subject to securing appropriate planning obligations and conditions as considered necessary, is considered acceptable on planning merit.

Recommendation

Site Visit; Conditional Approval (conditions to include those laid out at the end of this report in respect to landscaping, materials, colours, parking provision and drainage) delegated to Assistant Director of Corporate and Business Services; subject to:

- (i) the findings of an extended phase one habitat survey concluding that protected species will not be affected; and
- (ii) securing planning obligations (as considered necessary) via an upfront payment or S106 legal agreement.

Site Details

The site is a portion of an existing residential plot that sits at the end of a cul-de-sac set on the hillside overlooking the adjacent Cockington Valley/Cockington Country Park/and the Cockington Conservation Area, which is land which is also designated as a Countryside Zone and Area of Great Landscape Value.

The site itself does not sit under any built or landscape designations, however the tree belt on the south-western border sits under a Tree Preservation Order (TPO) and forms part of a wider linear protected belt.

The site currently holds a single dwelling with largely closely mown lawn surrounds. The land to a northwest of a well defined hedge line, which is to the side of where the proposed building will sit, has not been maintained and is overgrown.

In terms of physical detail the development plot is quite steeply sloping garden land that sits to the side of the current dwelling. Access in to the site is already established via a vehicular driveway in the eastern corner of the site, which is one of a number of driveways that are served off the turning head sited at the end of Loxbury Road.

Detailed Proposals

The proposal seeks to provide a detached dwelling within the existing plot, which will be set to the side of the existing property.

The scheme also seeks ancillary works to form a shared garage structure that would be served via a widened access and manoeuvring area, together with retaining walls flanking the new property to each side.

In terms of detail the scheme offers a reverse level dwelling, which gives a single-storey form when viewed from Loxbury Road that drops to offer additional ground and lower-ground floor levels to the rear, giving a three-storey form as viewed from the south and west from the valley below.

The form of the dwelling is a simple multi-pitched tiled roof set over two floors of render with a lower-ground floor of brick, which sits as a plinth.

The proposed garage is sited near the head of the plot, expanding the footprint of the current single garage facility. The structure will provide a dual garage with one space per dwelling, over a total area 6metres by 6metres, set off a manoeuvring hardstanding space. This ancillary building features rendered walls

and a sedum flat roof.

Further ancillary works include the widening of the existing access on to Loxbury Road, along with the provision of extensive retaining walls to either side of the proposed dwelling to permit the building to be set within the slope and offer the level of accommodation proposed at the two lower floors.

The proposal is identical to an existing unimplemented planning approval that expires on the 17th July 2015.

Summary Of Consultation Responses

Highways Department:

Highways raise no objection to the revised application. Planning obligations not required as there are no local schemes identified.

Green infrastructure Officer:

Pending observations on whether planning obligations should be sought in regard to greenspace and recreation.

South West Water:

No objections.

Drainage:

The proposal details that surface water run-off from the development will be served by soakaways however no detail is provided. The design should be informed by infiltration testing and designed in accordance with BRE Digest 365 and to cater for the 1 in 100 year storm event plus an allowance for climate change. The drainage detail should be submitted to and approved prior to the grant of permission.

Conservation/Landscape Team:

No observations. Comments on the previously approved application concluded that, with an appropriate landscape condition to secure suitable planting for the long term maintenance of the protected tree belt, which acts as a natural screen, the scheme is unlikely to present any significant negative impact on the character and appearance of the conservation area. This previous conclusion included consideration of the likely impact upon close, medium and long views, summarised below;

There are close views of the site from Loxbury Road and neighbouring properties, however the site falls away steeply from these properties and the design will assimilate well with the existing mixed residential character.

The site benefits from a mature tree screen and off-site scrub planting on the western boundary, which will screen the proposed dwelling, even during the winter months, from medium distance views in the village (Cockington). It is

noted that Cockington Lane is flanked by dense hedge banks which will further screen the proposal effectively from such views.

Finally, in regard to long views such as those permissible from high ground within Cockington Court grounds to the south and from the public footpath to the north, at these distances the proposed dwelling will be viewed as a minor element within the existing ribbon development on the hillside.

Arboricultural Team:

No observations. Previously concluded that the scheme is suitable for approval on arboricultural merit if the following points can be addressed by way of pre-commencement conditions as follows;

Root protection area defined in relation to new layout, with the approved fencing layout to be installed prior to any commencement and to be retained until completion.

Detailed landscaping plan to be submitted and approved which includes appropriate replacement tree for the removed Ash. Any tree surgery works should be undertaken pre-commencement including Ivy removal, minor branch rebalancing, crown raising, etc.

There should be no grade changes to root protection areas.

Summary Of Representations

7 letters of public objection have been received in respect to the scheme and. The concerns raised are as follows:

- Design is not in keeping
- Visual impact of an additional dwelling adjacent to a valued landscape
- Impact upon wildlife
- Garden development is contrary to policy
- Insufficient parking provided and added pressure for on-street parking within a restricted area
- Will set a precedent for further development encroaching around the Cockington valley
- Highway safety through the addition of another dwelling served off a turning head of a tight cul-de-sac.

Relevant Planning History

Applications

P/2010/1397 - Dwelling - Approved at committee - 17.07.2012 (proposal as per the scheme submitted).

P/1991/1081 - Detached dwelling and integral garage, plot between 27 & 31 Loxbury Road – Approved.

P/1992/1252 - Detached dwelling and integral garage, plot between 27 & 31 Loxbury Road – Approved.

P/1993/0061 - Detached dwelling & integral garage, plot between 27 & 31 Loxbury Road – Approved.

P/2006/0346 - Dwelling with combined vehicular/pedestrian access (in outline) – Refused.

P/2009/1129 - Single detached dwelling within curtilage; Demolition of existing garage and formation of two new garages and access – Refused.

Pre-Application Advice

ZP/2005/0650 - Erection of dwelling - Not Supported.

ZP/2010/0298 - Single detached dwelling in curtilage - Split decision.

Key Issues/Material Considerations

Considering the proposal and the context the key considerations are deemed to be:

- (i) the visual implications of the scheme upon the built and landscape settings,
- (ii) impact upon neighbouring amenity
- (iii) the arboricultural implications upon the belt of protected trees on the south-western border,
- (iv) Ecological issues
- (v) the likely highway implications borne from the additional unit and the parking and access arrangements, and
- (vi) drainage and flood risk.

1. Visual implications

Although not under any built or landscape designations the plot sits adjacent to and can be viewed from the Cockington valley, which is under a number of such designations. Consideration of the wider visual impact, in addition to the impact of the local street scene, is a key consideration.

In respect to the local street scene it is considered that the proposal would sit comfortably within what is a mixed character, where there is a varied form of building type from the mid and late 20th Century. Although absent of a defining character, the proposal is considered to accord with scale, general form and setting of properties within the street. It is hence likely to sit comfortably within the street with little detriment to the local visual qualities.

In regard to any wider impact upon the visual qualities of the multi-designated Cockington Valley which it overlooks, it is concluded that the visual impact is likely to be minimal. The Authority's landscape officer has previously considered the likely impact to medium and long views offered from the village and other public areas in the vicinity, and there is acceptance that the scale of the dwelling, combined with the level of screening presented, provides scope for either little or

no impact upon the setting of this area. It would be appropriate to attach a condition to establish a recessive colour palette to ensure the development comes forward in a recessive finish to further limit any visual impact. Proactive replanting of the protected tree belt was previously not required as the Council's Arboriculture Officer had confirmed that the tree belt was healthy and relatively early in its life, and that the TPO coverage will permit management of succession planting in the future.

The proposal is considered to sit comfortably with the aims and objectives of Policies BES, BE1, BE5, H9 and LS of the Saved Torbay Local Plan.

2. Impacts upon neighbour amenity:

Impacts through loss of privacy and overlooking are somewhat limited as the closest relationship will be with the host property.

The only other adjoining residential border is with that of Numbers 28 and 28a, which are set on higher land. Considering the distances from property to property, along with appreciation of the topography and border screening, the visual links are not to a degree that would warrant refusal on this matter. Likewise there are no implications in regard to loss of light due to the distance and level change.

The proposal is considered acceptable in respect of its likely impact upon local neighbour amenity and is consistent with the aims and objectives of Policies HS, H2 and H9 of the Saved Torbay Local Plan.

3. Arboricultural implications

The only arboricultural constraint to the scheme is the linear group of protected mature trees orientated north-south at the bottom the steeply falling garden. These trees are highly prominent to the Cockington valley and to parts of the village, serving to soften the built landscape from the historic village below.

The scheme creates a positive relationship with the trees that are present and is outside of any root protection area (RPA). Further to this the trees are within early stages of growth to the main and are likely to serve as an effective amenity for a considerable period of time. No succession planting is required to these trees as this will be controlled via the TPO.

The proposal is considered consistent with the aims and objectives of Policies LS and L9 of the Saved Local Plan.

4. Ecological impacts:

The ecological impacts are presently undetermined in the absence of an extended phase one habitat survey.

The presence of protected species is a material consideration and one that

should be established and duly considered prior to the grant of any permission.

The proposed building is to be placed on closely mown lawn. However land to the north of the building is presently overgrown and the ecological sensitivity of this area, which may be affected during construction and altered post development in terms of providing necessary amenity space, may potentially impact protected species.

It is concluded that the matter should be duly explored and considered prior to the grant of planning permission. A positive determination should be subject to the conclusions and recommendations of an extended phase one habitat survey.

The matter has been raised with the agent and the response is pending.

5. Highway/parking access matters:

The proposal utilises the existing vehicular access for the plot, albeit slightly widening the access, and reconfigures the parking facilities to provide dual garage and enhanced manoeuvring within the plot.

The level of parking is considered commensurate for the form of development and the ultimate provision of two dwellings within the plot. The access and egress is considered safe and secure, with the turning facility and widened access possibly giving an improved relationship with the turning head of the cul-de-sac.

The Authority's Highway Officer has confirmed that the arrangements appear satisfactory and no objection is raised due to acceptance to the level of parking proposed and the access and egress arrangements.

5. Drainage and flood risks:

The proposal details that surface water run-off from the development shall be served via soakaways.

No detail of the soakaway design has been submitted and the Authority's drainage officer has requested that the detail should be established prior to the grant of permission.

Considering the extent of development and the extent of the curtilage around the building there would appear scope for the development to be served by either soakaways or another form of controlled drainage solution.

It is considered pragmatic in this circumstance to permit the detail to be established prior to commencement via a restrictive condition.

S106/CIL -

The application will provide an additional residential unit that would create

additional pressures upon local physical and social infrastructure, costs which can be recouped as sanctioned by Section 106 of the 1990 Planning Act. The Council's adopted SPD *Planning Contributions and Affordable Housing: Priorities and Delivery* outlines the levels for contributions for varying forms of development and current guidance outlines that the following level of contribution is considered necessary.

Contributions triggered by one residential unit scaled at +120m2 floor area:

Sustainable Transport:	Not requested
Greenspace & Recreation:	£2,370.00 - Subject to scheme identification - TBC
Waste & Recycling:	£50.00

Conclusions

The proposal is considered to offer an acceptable form of residential development that would sit comfortably within the immediate street scene and sit as a natural extension to the existing ribbon development as viewed from further afield from the adjacent Cockington Valley below.

With supportive conditions to achieve a recessive form of development, suitable landscaping and parking provision, along with securing suitable levels of planning contributions via an upfront payment or S106 legal agreement, the proposal is recommended for approval.

The conclusions are subject to an extended phase one habitat survey being undertaken and the resultant conclusions and recommendations.

Condition(s)/Reason(s)

01. Surface water drainage details.
02. Material samples.
03. Tree root protection measures.
04. Landscape scheme.
05. Parking facilities.

Relevant Policies

-

Agenda Item 11

Application Number

P/2015/0213

Site Address

Hilltop
Herbert Road
Torquay
Devon
TQ2 6RW

Case Officer

Verity Clark

Ward

Cockington With Chelston

Description

Demolish existing side garage and replace with car port, Create new garage at rear underneath the lawn, Remove existing swimming pool and erect 2 storey extension to the rear of the property, Erect porch to front.

Executive Summary/Key Outcomes

The application site is a detached dwelling that is located on Herbert Road. The proposal is to remove the existing swimming pool and erect a two storey rear extension. The proposal also includes the demolition of the existing side garage which is to be replaced with a car port. In addition a garage is proposed that would be set into the rear garden and a pitched roof front entry porch.

The proposal is considered to be acceptable in this location and without serious detriment to residential amenity of neighbouring occupiers or the character or appearance of the locality in accordance with policies BES, BE1 and H15 of the Saved Torbay Local Plan 1995-2011.

The application is deemed to be acceptable for planning approval.

Recommendation

Approval.

Statutory Determination Period

8 weeks, expired on 05.05.15. The application has gone over time due to the need to be determined by the Development Management Committee.

Site Details

The application site is Hilltop, Herbert Road, Torquay. The dwelling is a detached property located on the west side of Herbert Road, close to the junction with Thorne Park Road.

Detailed Proposals

The proposal is to demolish the existing side garage and replace it with a car port, create new garage at rear set into the lawn, remove existing swimming pool and erect a two storey extension to the rear of the property and the erection of a

porch to the front elevation.

Summary Of Consultation Responses

None sought.

Summary Of Representations

3 objections have been received. Issues raised:

- Overdevelopment of the plot
- Loss of light
- Out of character
- Size, scale and height of the proposal
- Unduly dominant
- Impact on outlook
- Overlooking
- Vehicle movements to and from the rear garage
- Impact of existing trees
- Boundary impacts of the proposed garage.

Relevant Planning History

None.

Key Issues/Material Considerations

The key issues to consider in relation to this application are the impact the proposal would have on the character and appearance of the street scene and the amenity and privacy enjoyed by the occupiers of neighbouring properties.

The application was discussed at a site review meeting convened on the 5th May 2015. Within this meeting it was suggested that some amendments could be made to the scheme. It was suggested that the proposed two storey rear extension was modified to include a lowered ridge height and a hipped end in order to reduce the overall dominance. It was also suggested that the proposed rear garage was set in slightly further from the side boundary than its existing location. Following the meeting the applicant has had plans drawn up with alterations to the proposed extension. It was not considered by the applicant that the plans provided a satisfactory alternative. The revised roof structure was considered to be visually poor due to the different angle in the pitch required by the further setting down of the ridge height which led to a poor quality visual appearance and overall design. The location of the rear garage is to remain as originally proposed. The applicant has explained that the retaining wall of the garage is set sufficiently in from the boundary so as to avoid the need for the boundary to be removed or altered. The application is therefore to be determined on the basis of the originally proposed plans. It should also be noted that under permitted development rights, a two storey rear extension could be constructed in this location with a depth of up to 3 metres.

The proposal includes the addition of a two storey rear extension in place of the existing rear swimming pool. The proposed extension will extend 8.8 metres beyond the existing rear elevation of the property with a width of 6.4 metres. The extension is of a gable design and is set down from the ridge line of the existing dwelling by 0.5 metres creating a suitable level of delineation between the extension and the original dwelling and providing a level of visual subservience. The extension will adjoin the existing single storey side extension located on the north east elevation and will extend an additional 2 metres beyond this point. The extension is set in from the south west side elevation of the dwelling by 4 metres. The two storey extension will include the provision of two first floor windows, two ground floor windows and an external ground floor canopy to the rear elevation. The south west side elevation will include the provision of a rooflight set 3.4 metres above first floor floor-level and bi-fold doors at ground floor level. The side north east elevation will include the provision of a rooflight set 3.4 metres above first floor floor-level.

The site benefits from a generous sized plot and the addition of a rear extension is considered to retain a suitable level of outside amenity space for the property and the overall character of the area. The proposal is therefore not considered to constitute an overdevelopment of the plot. Although the extension is of a considerable size and scale in comparison to the original dwelling, the rear elevation of the proposed extension will roughly come in line with the rear elevation of the adjacent property; Greenhaven. The rear extension will be partly visible from the street scene of Thorne Park Road however due to boundary planting along this road, the orientation of the surrounding properties and lower ground levels along this road, views of the extension are somewhat limited. Although the prevalent design of buildings within this area is a hipped roof style, due to the limited view of the rear of the property from the streetscene, the gable roof design is considered to be acceptable. The design of the proposal is appropriate to the context of the original dwelling due to the set down nature of the roof of the extension from the ridge height of the original property.

The proposed rear extension is considered to have an acceptable impact on the privacy and amenity of the neighbouring properties. The proposal is not considered to impact upon the adjacent property Greenhaven. The rear elevation of the proposed extension will fall roughly in line with the existing rear elevation of this property and because of this the proposal is not considered to impact upon the light levels of the property. The side elevation of Greenhaven does not benefit from windows at first floor level and is set at a lower level than the application site with windows at ground floor level not exceeding the height of the existing boundary screening and existing side extension. The proposed rooflight on the side elevation is set 3.4 metres above the first floor floor-level and views out will therefore not be achievable. The size and scale of the extension is therefore not considered to constitute an overbearing or unduly dominant addition in respect to the relationship of this adjacent property.

In terms of the impact upon the adjacent property; 1 Thorne Park Road, the proposed rear extension is set in from the joint boundary by approximately 8 metres. The rear corner of this plot features a hipped garage structure. The proposed extension is therefore not considered to impact upon the amenity of this property by way of overbearing impact or over-dominance, or to impact upon the light levels of the property due to the set in nature of the extension and the orientation of the plots facing north west. The proposed rooflight on the side elevation is set 3.4 metres above the first floor floor-level and views out will therefore not be able to be achieved.

The rear extension is not considered to impact upon the amenity of 3 Thorne Park Road due to existing boundary screening, vegetation and trees within the application site and the distance of the proposed extension from this property.

The proposal includes the removal of the existing side garage on the south west elevation to be replaced with a car port with front garage door. The side of the property is fairly well screened from the street scene of Herbert Road due to boundary planting. The proposed car port will extend to the existing boundary which is separated by a high level boundary fence. The size, scale and design of the replacement car port is considered to be acceptable and is not considered to impact on neighbour amenity by way of overbearing impact.

It is proposed to erect a pitched roof porch structure to the principle elevation of the property. The porch is of a relatively small scale and is considered to look suitably in-keeping with the existing dwelling. The front elevation of the property will include the addition of two rooflights. This is considered to be an acceptable addition and does not require the benefit of planning permission as this element of the proposal would qualify as a permitted development. Due to the existing boundary screening at the front of the property which obscures much of the front elevation of the property from direct view along Herbert Road, the porch and rooflights are considered to be suitable additions.

The final element of the application includes the excavation of part of the rear garden to install a garage and storage area set into the rear lawn. The garage will have a flat planted roof which is set into the garden and will not exceed the height of the existing lawn level. The garage will be 7 metres x 7.25 metres with a garage door to the front south east elevation. The garage and retaining wall of the garage is to be set in from the boundary hedge in order to preserve the existing boundary. As the height of the garage will not exceed the existing lawn level, the proposal is not considered to impact upon neighbour amenity. The size and scale of the garage is considerable, however within the context of the plot this is deemed to be acceptable.

The proposed rear extension, car port, rear garage and front porch are all considered to be of a suitable size, scale and design and are not considered to impact on neighbour amenity. This is in accordance with policies BES, BE1 and

H15 of the Saved Torbay Local Plan 1995-2011.

S106/CIL -

N/A

Conclusions

The overall proposal is considered to be appropriate for planning approval. The size, scale and design of all elements of the application are considered to be acceptable and the amenity of the neighbouring properties is considered to be retained in accordance with policies BES, BE1 and H15 of the Saved Torbay Local Plan 1995-2011.

Condition(s)/Reason(s)

01. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no windows or openings (other than those expressly authorised by this permission) shall be installed/constructed to the North East and South West first floor side elevations or side roof scopes unless otherwise agreed in writing by the Local Planning Authority. Reason: To protect the residential amenities of the neighbouring properties in accordance with policy H15 of the saved adopted Torbay Local Plan 1995-2011.

Relevant Policies

BES - Built environment strategy

BE1 - Design of new development

H15 - House extensions

Application Number

P/2015/0229

Site Address

65 St Marychurch Road
Torquay
Devon
TQ1 3HG

Case Officer

Mr Scott Jones

Ward

St Marychurch

Description

Change of Use to form Supportive Living Accommodation for Adults with Learning Difficulties (Use Class C2); External alterations (retaining existing caretakers flat)

Executive Summary

The application is for conversion of the building to supportive living accommodation for adults with learning difficulties. The proposal would provide 10 bedrooms for supportive living for adults with communal kitchen, dining living and activity rooms. A three bedroom managers flat would be provided at first floor level. A small number of external alterations are proposed to remove two garage doors and to provide disabled access to the building. These are considered acceptable and would not affect the visual amenity of the area.

The principle of this use within an area that is predominantly residential would be acceptable and would be consistent with Policy CF15 of the Torbay Local Plan 1995-2011. The applicant has been requested to submit details about the operation and management of the premises in order that an understanding of staffing levels and movements to and from the site can be considered as part of the application.

A number of conditions are suggested to ensure satisfactory implementation of the proposal including provision of a landscape scheme to improve the amenity space within the curtilage of the site.

Recommendation

Approval; Subject to; achieving planning contributions as considered necessary in-line with adopted and emerging policy, and appropriate planning conditions as considered necessary to ensure a suitable form of development, Subject to the submission and approval of a business and operational statement to the satisfaction of the LPA in accordance with Emerging Policy H6 of the Submitted Local Plan.

Site Details

The site is the former St Johns Ambulance station, which sits adjacent to and overlooks the St Marychurch Road between the Plainmoor shopping area that

lies to the north and the top of Torquay town centre that lies to the south. There is a residential character to the immediate area.

The building is a large detached two-storey Victorian Villa that has been extended. There is a parking area to the front of the building and pockets of landscape/garden to the front side and rear. The plot is enclosed by fencing.

There is a residential flat to the rear at first floor level (No.65a) which does not form part of the application.

There are no built or landscape designations over the land.

Detailed Proposals

Change of use of the building to an assisted care facility providing 10 bedrooms, communal space and staff accommodation. The proposed use sits within Use Class C2 (Residential Institutions) whereas the previous St Johns Ambulance use is within the Use Class D1 (Non-Residential Institution).

The ground floor will provide 6 bedrooms along with a large day/activity room and further lounge, kitchen and dining rooms. The upper floor provides 4 further bedrooms, an office, and a 3-bed flat for staff accommodation.

The proposal includes alterations to the front elevation to provide disabled access and to replace the two large double garage doors with a set of bi-fold doors, sliding sash windows and a doorway. An area of deck is also detailed on the floor plan adjacent to the proposed day room and activity room.

Summary Of Consultation Responses

Highways: Pending observations.

South West Water: No objections.

Green Infrastructure Officer: Pending observations on any necessary planning obligations.

Summary Of Representations

7 letters of representation received, including a petition with 10 signatures, objecting to the proposals. Concerns raised include:

- Support, provides a suitable use, retains amenity and will provide jobs;
- Impact upon amenity of the existing flat, noise and disturbance;
- Traffic and impact upon Locksley Close;
- Impact upon property value (not a planning issue);
- Amenity impact if not properly managed/controlled;
- Overdevelopment;
- Noise disturbance;

- Overlooking;
- Use is not compatible with the residential character;
- Lack of detail on the use.

Relevant Planning History

P/2012/0467 - Change of use to a dwelling – Approved.

Key Issues/Material Considerations

Policy CF15 of the Saved Local Plan states that proposals for the provision of accommodation for the elderly or other people in need of care should:

- i) provide premises that are well related to the local residential community and public transport, and within walking distance of local shops and other amenities,
- ii) not conflict with landscape or nature conservation policies,
- iii) have adequate amenity space within the grounds to permit appropriate landscaping and attractive surroundings for residents,
- iv) provide appropriate parking and access in-line with local plan policies,
- v) not supply an over-concentration of uses within the area and not be detrimental to the character or amenities of the neighbourhood, and
- vi) supply appropriate accommodation for staff whether on site or with direct communication with residents, to ensure that there is proper care and management of the facility.

Policy H6 of the Submitted Local Plan also covers that new care facilities should:

- i) Present clear evidence of need;
- ii) Should not add undue pressure on local healthcare or social services.

The key policy issues above are discussed below.

Location:

The site is well related to the local residential community and public transport, and within walking distance of local shops and other amenities. Plainmoor shopping centre sits to the north and the site is within walking distance of the town centre to the south. It is considered an appropriate and sustainable location and one comfortably aligned with the aspirations of criterion "1" of Policy CF15.

Landscape and nature conservation:

The site is not sensitive in landscape or nature conservation terms and the land is not covered under any relative planning designation. There is also no increase in footprint of the building into soft-scaped land. The proposal does not conflict with criterion "2" of Policy CF15.

Amenity space:

The site is relatively restricted and the curtilage offers limited quality outdoor

space. There is space to the front, side and rear of the building however the amount and quality of the space raises a degree of concern.

There would be scope to improve the amenity space adjacent to the proposed deck where there would appear to be a redundant area of tarmac past the proposed designated parking. The potential of this space along with wider enhancements around the building should be explored in order to capture improvement to the amenity provision. This could be achieved by condition of a landscaping scheme expressly detailed to secure improved provision of outdoor amenity space.

With a condition to achieved improvements to the landscaping, on balance, the proposal is considered consistent with criterion "3" of Policy CF15.

Parking/Access:

Emerging Local Plan parking policy suggests the supply of one space per eight residents for care facilities. In regard to HMOs it suggests one space per two bedrooms.

Although yet to be formally detailed as such via the requested business plan / operations statement it has been expressed that the proposal is a bespoke form of care that is in some ways close in character to a shared building / House in Multiple Occupation. The parking standards expected from both have been outlined above and the proposed provision would appear more than adequate for either.

Cycle parking has not been detailed and this should be secured by condition.

The proposal appears comfortably aligned with the aspirations of criterion "4" of Saved Policy CF15.

Impact on neighbouring living conditions:

Having considered the relationship with neighbouring occupiers and the relevant planning policy the scheme is considered acceptable in terms of neighbour amenity.

The use/occupancy of care facilities generally sit quite comfortably within residential areas, as the character is principally residential in nature.

The proposal would appear to be suitable when considering the scale of the building and the plot. The intensification of the use is unlikely to present noise and disturbance that is any different to either the established use or a flatted scheme for building.

The proposal is considered acceptable on planning merit when considering Criterion "5" of Saved Policy CF15.

Appropriate management on site:

In respect to the management proposals there is an office and staff accommodation detailed.

It is considered essential that the proposal is supported by suitable on-site management and supervision and this should be assured via a restrictive condition.

With a suitable condition attached the proposal is considered consistent with criterion "6" of Saved Policy CF15.

Evidence of need and likely impact upon local healthcare or social services

Emerging Policy H6 of the Submitted Local Plan requires consideration of the need of the care facility and the impact upon local healthcare provision or social services to be addressed in the determination of application for housing for people in need of care.

On the information provided the need and impact cannot be considered.

Greater understanding is required and a business model / operations statement has been requested from the Agent.

Subject to the detail of this, if considered acceptable the operations statement should be a condition of any grant of permission.

S106/CIL

The proposal will provide a use of the site that would result in greater pressure upon the local physical and social infrastructure. With regard to the Authority's adopted guidance obligations may be required.

With mitigation for the previous use transport provision would not be sought.

Greenspace obligations may be necessary subject to a local scheme being identified. This is to be confirmed.

Conclusions

The proposal, subject to consideration of the business model and operational statement, is considered to be a suitable use of the building and one consistent with Saved Policy CF15 and Emerging planning policy H6.

Condition(s)/Reason(s)

01. Subject to the submission and approval of a detailed business plan to the satisfaction of the local planning authority.
02. Subject to the provision of approved cycle storage.

03. Subject to landscape scheme that improves the level of outdoor amenity space.
04. Subject to the raised deck being no more than 0.3m high.
05. Subject to on site management at all times.
06. Subject to bins being retained within demarcated area.
07. Parking spaces demarcated prior to use.
08. Maximum 10 bed care facility.

Relevant Policies

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Application Number

P/2015/0320

Site Address

101 Braddons Hill Road East
Torquay
Devon
TQ1 1HF

Case Officer

Mrs Ruth Robinson

Ward

Wellswood

Description

Demolition of existing warehouse, and construction of 9 two storey dwellings with 9 car parking spaces. Partial demolition of stone boundary wall fronting Museum Road to create vehicular and pedestrian access.

Executive Summary/Key Outcomes

The site, currently used as a furniture storage/removals depot is located to the rear of Torquay Museum and the Living Waters Church which are both Grade II listed. It is within the Torquay Harbour Conservation Area. The existing buildings on the site are large, poor quality sheds set in a hard surfaced yard. The site is set at a lower level than adjacent building groups and is largely screened from public view. Vehicular access is via a service lane from Braddons Hill Road East.

The proposal involves redevelopment to provide 9 x 3 bed dwellings with 9 car parking spaces arranged around a well designed and landscaped courtyard. Revised plans are awaited to confirm design amendments that the applicant is agreeable to. A good quality design to the buildings and the courtyard has been secured.

Neighbour objection relates to the creation of a new access onto Museum Road and the level of parking provided on site.

The new access requires the partial demolition of a distinctive and attractive boundary wall fronting Museum Road. There is no highway objection to this and from a heritage asset perspective, this wall is currently in a poor state of repair and an associated planting bed is overgrown. A schedule of repairs will ensure that the wall is sensitively restored and a detailed landscape scheme will provide an enhancement to the public realm. It also provides an entrance with a more 'residential character' than currently serves the site.

In terms of parking, the scheme is compliant with current Local Plan policy (H10 and T25) as it is well located for local services and public transport.

It is therefore considered that the scheme should be granted conditional approval subject to securing contributions towards site specific highway matters (footway widening and cycle route), waste and possibly greenspace. An update on this will

be provided at the meeting.

Recommendation

On receipt of revised plans, a drainage statement and subject to the conclusion of a S106 or Unilateral Undertaking to meet the waste, sustainable transport and possibly greenspace contribution then it is recommended that planning permission should be granted for the development subject to the following conditions.

1. Large scale details of key features.
2. Samples or specification of all external materials.
3. Schedule of works in relation to stone boundary walls within the site and along Museum Road.
4. No further demolition of stone boundary walls beyond that identified in the schedule of works.
5. Detail of modifications to planter fronting Museum Road including sample of stone to be used.
6. Implementation of landscaping scheme.
7. Closure of existing access and appropriate treatment.
8. Provision of nesting boxes and implementation of demolition in line with advice in submitted ecological report.

Any S106 agreement or Unilateral Undertaking to be completed within 3 months of the date of this committee.

Statutory Determination Period

The application should be determined by the 4th June. It will not be approved 'in time' due to the timing of the Committee schedule.

Site Details

The site comprises a furniture storage/removals depot located to the rear of Torquay Museum and the Living Waters Church both of which are Grade II listed. It is also within the Torquay Harbour Conservation Area. The site is currently occupied by a large pitched roof single storey storage shed with a 2 storey wing of a similar height. It is of no intrinsic architectural or historic merit and is set in a hard surfaced yard.

The site is served by a vehicular access onto Braddons Hill Road East.

To the north is a three storey Victorian terrace which backs onto and is set at a higher level than the application site. To the west is a terrace of more modern brick built 2 storey dwellings. To the south of the site are larger Victorian villas set in spacious grounds and, some yards distant, is the rear of the Terrace Car Park. The area is generally a mix of commercial and residential uses.

The site is currently tucked from public view; it is set at a lower level than

surrounding buildings and along Museum Road the site is bounded by a distinctive random natural stone boundary wall of approximately 2-3 m in height. This is a prominent feature in the streetscape particularly given its relationship to the side elevation of the listed Museum and Pengelly Hall.

The site is bound internally on three sides by natural stone walls of varying heights and historic interest.

Detailed Proposals

This application is a detailed one for the redevelopment of the site to provide 9, two storey 3 bed dwellings arranged in detached and semi detached forms around a shared courtyard area with parking for 9 cars and with hard and soft landscaping. The existing access from Braddons Hill Road East is to be closed off and a revised access created onto Museum Road by partial demolition and remodelling of the stone boundary wall.

Summary Of Consultation Responses

Highways: Do not object to the scheme in principle but consider that as the courtyard serves more than 5 dwellings then the route through the courtyard along with a turning head should be constructed to an adoptable standard. More detail in relation to its construction is therefore required.

They also require the provision of a cycle route to Babbacombe Road and the introduction of footway widening to the junction of Babbacombe Road and Museum Road to overcome visibility concerns. Both these are to be provided via a S278 notice.

Conservation Officer: Considers the scheme to be acceptable in terms of its relationship to the listed buildings and to the character and appearance of the Conservation area.

Arboriculturalist: Has requested amendments to the landscape scheme to include larger and more appropriate specimens to achieve greater visual impact particularly in relation to strategic views into the site.

Drainage Engineer: Requires more information regarding the potential for sustainable means of surface water disposal.

Summary Of Representations

There have been 6 letters of objection based on the creation of the new access impact of traffic on Museum Road which is considered to be too narrow and congested to cope with the additional traffic; concerns also include the level of car parking provided on site and the partial loss of the stone wall.

One letter offers support providing the closure of the existing access is achieved and there is no increase in height of the replacement buildings.

Relevant Planning History

P/1991/1066: Construction of 16 flats: Approved 19.09.91

P/1987/1810: Construction of 16 flats: Approved 3.12.87.

Principle and Planning Policy -

The relevant policies to consider in relation to this scheme are E6 which seeks to retain employment uses unless the site is of limited significance from an employment perspective or its continued use would be harmful to amenity. Also significant are policies H9 and H10 in the Adopted Local Plan which require housing schemes to demonstrate a high standard of design and to respond to key characteristics in the local environment whilst making efficient use of urban land by building at high densities in central locations close to services and public transport.

It is also necessary to consider policies BES, BE1 BE5 and BE6 which require good quality design detail and sensitivity to context in terms of the relationship to listed buildings and other heritage assets.

The Emerging Local Plan carries similar policies but include specific standards in relation to dwelling and garden size (DE1-DE3)

In respect of highway access, congestion and car parking levels, policies T25 and T26 are relevant. Requirements for sustainable drainage are included in the NPPF and the Emerging Local Plan (ER1-ER2).

Policy NC5 requires the consideration of possible ecological impacts on bats and birds arising from demolition of the buildings on site. An Ecological Study has identified no impact on wildlife subject to care being taken during demolition in line with the advice in the report and the installation of nesting boxes.

Key Issues/Material Considerations

The key issues are:

1. The principle of the new use and the design quality of the scheme and its impact on the adjacent listed buildings and the wider Conservation Area.
2. The suitability of the proposed new access to the site and adequacy of car parking levels.
3. Whether it is necessary to adopt the access road.
4. Drainage proposals to reduce surface water discharge.

Each of these will be addressed in turn.

1. The principle of the new use and the design quality of the scheme and its impact on the adjacent listed buildings and the wider Conservation Area.

The site is currently used for the storage of furniture and as a base for a removals business. The buildings on the site are poor quality and in a sensitive

location. It is poorly serviced and it is located close to existing dwellings. It is unlikely that the current storage use would generate sufficient investment to achieve the necessary refurbishment of the site. Therefore the loss of employment land is acceptable as it is of limited significance due to the overall quality of the site, it is a potential 'bad neighbour' and there is a need to generate some investment in the site in view of its relationship to key listed buildings.

In terms of design quality, it is necessary to consider the impact of the scheme on its surroundings as well as the internal quality of this courtyard development.

The majority of the site is well screened from public view being set within surrounding building groups. There is however sensitivity along Museum Road as the dwellings will be visible above the retained boundary wall and views into the site will be created as a consequence of the new vehicular access. There are also important views of the site from Babbacombe Road framed by the listed Museum and Living Waters Church.

Revised plans are awaited which demonstrate that the scheme will be simple but well detailed with the use of natural slate and metal rainwater goods. The use of earth coloured render and complementary weatherboarding will result in a scheme that will sit comfortably with neighbouring buildings. The courtyard will be resurfaced with sets, includes new areas of tree planting and includes good quality boundary treatments to create a shared central courtyard/parking area that is to a high standard of design in terms of quality and finish.

As originally submitted, the Museum Road wall was extensively reduced in height but this has since been amended to retain its full height and keep the scale of demolition to the minimum necessary to provide safe vehicular access.

The streetscape along Museum Road is particularly attractive, taking in views of the side elevation of the Museum and Pengelly Hall. In this context, the alteration of the existing stone boundary wall is a key issue. Whilst the applicant was initially advised to retain the wall in its entirety and to retain the access to Braddons Hill Road East, this is more of a service access and did not provide the character of approach required.

In view of the previous approval for partial demolition of this wall and the lack of highway objection, the applicant was advised that if the wall was repaired (in accordance with a schedule of works), the planting bed along the frontage properly landscaped (it is currently overgrown) and the scale of demolition confined to that essential to providing safe access and egress from the site then consideration could be given to allowing the wall to be breached. This has some amenity benefit for future residents in that it does open up the site in terms of light and views.

The limited exposure of the site to public view coupled with the quality of the

scheme in terms of both buildings and the courtyard space results in a scheme that is acceptable from a design perspective.

2. The suitability of the proposed access to the site and adequacy of car parking levels.

There have been 2 previous approvals for redeveloping this site. Both included the provision of 16 flats. The original approval involved a one way system with access from Museum Road and egress from Braddons Hill Road East. The most recent retained use of the existing access.

As explained, the alteration to the boundary wall to provide a vehicular access from Museum Road is thought to be acceptable from a conservation perspective. Highways have not raised an objection requiring only the provision of footway widening at the junction of Museum Road and Babbacombe Road to improve visibility. There are therefore very limited grounds to resist the approach favoured by the applicant.

It is therefore acceptable from a conservation and highways perspective and it provides an entrance with a more residential character than would be the case if the existing service access were used. The applicant has been asked to provide clarity about the future treatment of the closed off access to ensure that it does not become a neglected space.

In terms of parking levels, 9 spaces are provided on site. This is in accordance with policies H10 and T25 of the Adopted Local Plan which encourages reduced levels of car parking on centrally located sites which are close to public transport links. It is also within a short walk of the Terrace Car Park which provides ample public car parking.

3. Whether it is necessary to adopt the access road.

Highways have commented that as the access road serves more than 5 dwellings, it should, in order to comply with the Councils' Highway Design Guide, be constructed to an adoptable standard and it, along with the turning head, become public highway. This would require it to be constructed of tarmac, possibly to a wider dimension which would detract from the visual quality of the courtyard space.

This guidance however is not designed to protect highway safety but to avoid problems of lack of maintenance and to 'manage' inconsiderate parking. However, the site is, due to its design, essentially a private courtyard quite separate from the public realm and wider highway network and the applicant is quite clear that the site will be privately maintained by a Management Company. This, coupled with the design concerns indicates that there is no overriding imperative to adopt this route and it would be preferable for its maintenance and management to remain under private control.

4. Drainage

The Council's Drainage Engineer has indicated that the site should not discharge surface water to the combined sewer as suggested on the application form. However, the scheme will involve a reduction in the amount of building coverage and a replacement of the existing tarmac surface with more porous setts. This coupled with landscaped areas, tree planting and grassed areas will result in more surface water being absorbed on site and a net reduction in surface water being discharged to the combined sewer. However, this needs to be evaluated and a drainage statement is needed to confirm this before permission is issued.

S106/CIL -

As a scheme for 9 units 'pooled contributions' such as identified in the Adopted SPD 'Planning Contributions and Affordable Housing' cannot be requested in line with recent changes to government guidance.

Any requests for S106 contributions have to be shown to relate specifically to the impact of the development on the immediate area. Highways have specific site related requirements which include provision of footway widening to improve visibility and cycle route which is priced at around £18,000. Waste facilities should also be funded via developer contributions (£450). The scheme relates to family sized dwellings with minimal garden areas. This is likely to lead to greater use of the adjacent Torwood Gardens and it would be appropriate for this scheme to contribute towards any imminent project in relation to this site. Advice is awaited from Natural Services in relation to this and a verbal update will be given at the meeting.

Conclusions

The scheme is considered to be acceptable from a design perspective; the new access does not raise any sustainable concern either from a highway safety or streetscape point of view. Parking levels are considered to be in line with established policies given its central location and proximity to services and public transport.

Revised plans are awaited which confirm the use of natural slate and metal rainwater goods, confirm retention of the full height of the wall along Museum Road, includes an amended landscape plan, confirms the use of rendered garden walls in place of timber fences and the use of good quality setts for the Courtyard.

A drainage strategy to confirm that the site reduces discharge to the combined sewer is also awaited.

Recommendation

On receipt of these and subject to the conclusion of a S106 or Unilateral Undertaking to meet the waste, sustainable transport and possibly greenspace contribution then it is recommended that planning permission should be granted

for the development subject to the following conditions.

1. Large scale details of key features.
2. Samples or specification of all external materials.
3. Schedule of works in relation to stone boundary walls within the site and along Museum Road.
4. No further demolition of stone boundary walls beyond that identified in the schedule of works.
5. Detail of modifications to planter fronting Museum Road including sample of stone to be used
6. Implementation of landscaping scheme.
7. Closure of existing access and appropriate treatment.
8. Provision of nesting boxes and implementation of demolition in line with advice in submitted ecological report.

Relevant Policies

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